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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. PAULSEN).

### DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,  
March 27, 2012.

I hereby appoint the Honorable ERIK PAULSEN 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.

### RUSSIA AND THE JACKSON-VANIK AMENDMENT

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

Mr. DREIER. Mr. Speaker, there are a lot of issues with which we have to contend around here. Obviously there are dramatic increases in gasoline prices. We are going to be dealing with the budget this week. FCC reform is on the agenda for today. But one issue that hasn't gotten a great deal of attention that we are going to be addressing in the coming weeks and months is whether or not we deal with

the issue of so-called "Jackson-Vanik legislation" and allow us to proceed with extending permanent normal trade relations for us to be able to trade with Russia.

Mr. Speaker, as we look at this issue, there are a number of factors that need to be addressed: first and foremost, what impact is this going to have on our Nation's job creators, those who are trying to grow our economy; and equally, if not more, important is the impact on human rights, the development of the rule of law, and the building of democratic institutions in Russia.

Now, we all heard the statement that was made by the President just yesterday in his off-microphone discussion with President Medvedev about how things are going to go and the flexibility he'll have in his second term. Well, Mr. Speaker, it seems to me that one thing that is very important for us to recognize is, there is action that we can take today that will allow us to deal not only with the notion of our creating jobs here in the United States of America but also tackling the very important human rights issue.

Let's also realize that Russia is going to be a member of the World Trade Organization. All that's necessary now is for the Duma, the Russian Parliament, to ratify their accession. The question is, will U.S. workers have access to the Russian market? And that's very important. But also, as we look at the challenges of getting our economy growing, we recognize that that is a priority. But as I said, Mr. Speaker, it's also very, very, very critical for us to do everything that we can to ensure the development of those democratic institutions in Russia, the development of the rule of law, which we all know has been lacking based on what we've seen in the last election, and also to ensure the kinds of human rights and women's rights that have been ignored.

Mr. Speaker, I would like to share with my colleagues a little bit of a let-

ter that was just put forward by a half-dozen of the lead human rights activists in Russia. These are not my words. These are the words of these human rights activists. They say:

Those who defend the argument that Jackson-Vanik provisions should still apply to Russia in order to punish Putin's antidemocratic regime only darken Russia's political future, hamper its economic development, and frustrate its democratic aspirations.

They go on to say:

Jackson-Vanik is also a very useful tool for Mr. Putin's anti-American propaganda machine. It helps him to depict the United States as hostile to Russia, using outdated Cold War tools to undermine Russia's international competitiveness. We, leading figures of the Russian political opposition, strongly stand behind efforts to remove Russia from the provisions of the Jackson-Vanik amendment. Jackson-Vanik is not helpful in any way, neither for the promotion of human rights and democracy in Russia nor for the economic interests of its people.

Mr. Speaker, it's high time that we tackle this issue to ensure that we can promote human rights, the rule of law, and the development of democratic institutions in Russia and ensure that we, for the American worker, can create job opportunities right here in the United States.

### HONORING ARA PARSEGHIAN

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

Mr. DONNELLY of Indiana. Mr. Speaker, I rise today to honor an American hero, Ara Parseghian, who has led a life dedicated to coaching and teaching others, serving others, and a life that has given hope to families all across the world. Many Americans know about Ara Parseghian through his legendary football career. Before that, though, he proudly served our Nation in the United States Navy during World War II. He went to college at Miami of Ohio and was lucky enough to marry Kathy Davis.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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## EVE OF THE BUDGET DEBATE

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

Mr. McCLINTOCK. The House is about to consider a budget in a dangerous hour in the life of our country. Last year, we barreled past several urgent warning signals—the loss of our Nation's AAA credit rating; the size of the national debt surpassing our entire economy; and a record third straight year of trillion-dollar-plus annual deficits. I believe this is one of the last opportunities to avert a financial crisis unprecedented in our Nation's experience and on a magnitude far greater than that which is now destroying Greece.

The blueprint passed by the House Budget Committee last week is a disappointment to those who believe that the budget can and should be balanced much sooner, and I certainly don't entirely disassociate myself from those sentiments. But the immediate issue before us, as Lincoln put it, "is not 'can any of us imagine better?' but, 'can we all do better?'"

The approaching financial crisis demands first and foremost that we turn this country away from the fiscal precipice and place it back on a course to solvency. This budget does so. Indeed, it improves upon last year's House budget that died in the Senate, which, according to Standard & Poor's, would have preserved the AAA credit rating of the United States Government. This budget, I believe, will restore it.

It is, of course, a long road back, balancing by the late 2030s and ultimately paying off the entire debt by the mid 2050s. But even relying on the static scoring of the CBO which presents a worst-case scenario, it still means that my children, who are now in college, will be able to retire into a prosperous and entirely debt-free America.

True, there's a great deal in it for conservatives not to like, but that is not the issue. The issue is will this Congress and, ultimately, this government change its fiscal trajectory enough to avert the sovereign debt crisis that fiscal experts across the spectrum warn us is just a few years dead ahead.

This is not some moonless night on the Atlantic. We can see this danger right ahead of us, and we can see that it is big enough to sink this great ship of state. We have precious little time remaining to avert it. This budget will turn us just enough to avoid that calamity—and I fear we won't have many more opportunities to do so.

The alternative is unthinkable. The President's budget would subject our Nation to one of the biggest tax increases in its history, striking especially hard at the small businesses that we're depending upon to create two-thirds of the new jobs that Americans desperately need. And even so, by its

own numbers, it never balances and, thus, courts the fiscal collapse of our Nation.

Hemmingway asked, "How do you go bankrupt?"

"Two ways," he said. "Gradually, then suddenly."

For the last decade, this Nation has been going bankrupt gradually. History warns us that if we don't change course very soon, we will cease going bankrupt gradually and start going bankrupt quite suddenly. It may happen through a chain reaction set off by a seemingly minor international incident. It may happen one day when a routine bond auction sours. Interest rates will start rising rapidly. Financial panics will begin. The government will have to respond by increasingly frantic efforts to maintain a stream of capital, either through massive policy dislocations or catastrophic inflation.

The approach of great cataclysms that are so obvious to historians in retrospect are often unheeded by contemporaries at the time. Just 30 days before the outbreak of World War II, Neville Chamberlain recessed Parliament to go on extended holiday. Let that not be how history remembers this Congress. This budget is not perfect, but it is adequate to spare our country from the convulsions of Greece.

I wholeheartedly support this budget for that reason, and I expect that we'll have the overwhelming support of this House. I can only hope that the Senate this time will put aside its own differences and heed Lincoln's plea that:

The dogmas of the quiet past are inadequate to the stormy present. The occasion is piled high with difficulty, and we must rise—with the occasion. We must disenthral ourselves, and then we will save our country.

## CYCLING: A COMPREHENSIVE APPROACH TO TRANSPORTATION

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

Mr. BLUMENAUER. Often, here on Capitol Hill, issues large and small get sort of lost in the fog, but it was a pleasure last week to watch some moments of clarity as hundreds of bicycle advocates flooded Capitol Hill delivering a simple, concise, powerful message that makes a difference in terms of how people live in their communities large and small. They were delivering a message that Congress ought to deal meaningfully, in a comprehensive fashion, with the transportation legislation that has been stalled. They were delivering a message of: Don't attack cycling. Embrace it as part of a comprehensive approach to transportation. It is, after all, the most efficient form of urban transportation ever designed.

Burning calories instead of fossil fuel doesn't just save you money and make you feel better, it's good for our communities. It's the cheapest, fastest way to reduce congestion and air pollution. A very simple illustration is you can

He was a leader and role model as the head football coach at Miami of Ohio, Northwestern, and the University of Notre Dame, which is located in the congressional district that I'm honored to represent. Mr. Parseghian's impressive record at Notre Dame included two consensus national championships and three bowl victories, accomplishments that resulted in his induction into the College Football Hall of Fame in 1980 as a recognition of his tremendous achievements. More important, though, was his personal leadership and example, and the character he instilled in the players that he coached. To Ara Parseghian, it was a lot more important that his players be good citizens than good football players, although he made sure they were very good football players as well.

What many Americans may not know is that Mr. Parseghian's most important work began after his football career, when he devoted his life to finding a cure for Niemann-Pick type C disease and multiple sclerosis. In 1994, the Parseghian family learned that three of Ara and Katie's youngest grandchildren were diagnosed with Niemann-Pick type C. This tragic disease is a degenerative neurological disorder afflicting thousands of children and is ultimately fatal.

Rather than be overwhelmed by their grief, Mr. Parseghian and his family began a fight to find a cure for this disease. Together, they founded the Ara Parseghian Medical Research Foundation in 1994. It was devoted to funding research and finding a cure for Niemann-Pick type C. In 1997, scientists funded by the Parseghian Foundation were able to isolate the gene responsible for causing Niemann-Pick type C and have since made tremendous strides towards finding a cure.

The Parseghian family lost Michael, Christa, and Maria to this terrible disease, but the family and Katie and Ara have never lost hope. Their efforts will end Niemann-Pick type C and help families all across the world.

Mr. Parseghian's commitment to medical research did not stop with the disease that took the lives of his grandchildren. Ara, whose sister, brother-in-law, and daughter have been diagnosed with multiple sclerosis, has fought nonstop against the scourge of MS, which took away his beloved daughter Karen just last month.

While Ara Parseghian has accomplished much as a coach on the football field, his devotion to others will truly define the era of Ara. When I talk to my son about what it means to be a man and what it means to live a good life, I tell him about Coach Parseghian. He and Katie have epitomized devotion to family, faith, and country. May God bless Ara Parseghian, and may He keep the entire Parseghian family in the palm of His hand.

park eight to 10 bicycles where one automobile resides.

It's good for the economy. Over \$6 billion a year is involved with the cycling industry, employing over a million people. They brought very specific examples. A study from Wisconsin, \$1.5 billion of economic impact and 13,200 jobs in an industry that too often does not get its attention. In my community of Portland, Oregon, a medium-sized city, it's \$100 million a year in our economy and well over 1,000 jobs.

Cycling is also very good for our children and our families. Being able to walk or bike safely to school helps kids actually perform better. Parents are less stressed. It could save some of the 6.5 billion trips a year of over 30 billion miles just shuttling kids back and forth to school.

People, frankly, were outraged that my Republican friends had targeted, in their transportation bill, elimination of the Safe Routes to School program. Other than them, I haven't met anybody in America who is against this program, that empowers our children and helps our families.

Now is a golden opportunity as the transportation bill collapsed and we're back at the drawing board to look at how we leverage that \$8 billion that we have invested in Federal money over the last 20 years that has touched every State and hundreds of communities. Now is the time to celebrate that progress. Now is the time to commit ourselves to a comprehensive transportation bill that makes it safer to cycle and walk. Now is the time to have a transportation bill that will make every one of our communities more livable and our families safer, healthier, and more economically secure.

AFGHANISTAN

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

Mr. JONES. Last week, in the Armed Services Committee, we had General Allen, who oversees our military effort in Afghanistan. I have the utmost respect for General Allen. In fact, General Allen's former boss in the Marine Corps had some very kind words to say about General Allen, which I read before I got into my questions.

□ 1020

I would today like to quote the former boss of General Allen, who's been my adviser on Afghanistan for 3 years, and I actually read these comments to General Allen before I got to my question:

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.

Mr. Speaker, I keep hearing the term, well, we're going to probably be

out sometime around 2014. Well, it's kind of like what many of us, including myself, are guilty of, and that is putting it down the road, putting it down the road, we'll deal with it in some time. But the problem is our young men and women are dying, getting killed and severely wounded by IEDs. I hope that Congress, when we get into May of this year and we start debating the Department of Defense bill, will bring up some amendments dealing with Afghanistan.

History has proven time and time again that no one, no nation will ever change Afghanistan. And it was kind of ironic that last week I just happened to be on the floor Thursday when Mr. HOYER was asking Mr. CANTOR, on our side, what is going to be the schedule this week, meaning today. And then Mr. HOYER said to Mr. CANTOR, well, why don't we bring up the Senate transportation bill? And I was just taken aback by Mr. CANTOR's response. He said, "We're just out of money." We're just out of money? And we're spending \$10 billion a month in Afghanistan?

I don't understand the mathematics around here. We can't bring up a transportation bill, a 2-year bill, because we're just out of money. But, yet, Mr. Karzai, you can get your \$10 billion a month and you can negotiate with the Taliban and take the \$10 billion that we're borrowing from the Chinese to give to Karzai so they can buy weapons to kill the American soldiers and marines. It just does not make any sense.

Mr. Speaker, I have put together a resolution that I have asked the speaker of the North Carolina House of Representatives, Thom Tillis, who is a great gentleman, to introduce in the May session of the North Carolina House asking the Congress to bring our troops home out of Afghanistan before the 2014 deadline. And I'm pleased to say that the Tea Party in my district, who doesn't agree with me on everything, does agree with me on Afghanistan. They have passed this resolution at their meeting a month ago. We need to start bringing our troops home now, not later.

Mr. Speaker, I've got beside me today—and I'm going to close in just a minute—a reminder of the cost of war—all the families who have cried with pain and all the children who have cried because their moms or their daddies are not coming home. So I have about 14 of these posters when I do these little 5-minute speeches I bring to the floor. This is the latest one. I saw it in the newspaper. It's very profound. It is time for the American people to say to the United States Congress, if you have no money and you can't fix the roads, then you have no money to send to Afghanistan to waste on a corrupt leader.

With that, Mr. Speaker, I would like to close the way I normally do:

God, please bless our men and women in uniform; please bless the families of our men and women in uniform; please,

God, bless the House and Senate that we will do what's right in the eyes of God for His people. I ask God to please bless the President of the United States, that he will do what is right in the eyes of God for His people. And I'll close three times by asking, God, please, God, please, God, please continue to bless America.

END RACIAL PROFILING

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

Ms. WILSON of Florida. Twenty years ago, while serving as a school principal, I founded the 5,000 Role Models of Excellence project in Miami, Florida—a million dollar, nationally recognized and honored foundation that specifically addresses the trials and tribulations of young black boys and sends them to college. It serves almost 20,000 boys throughout Florida.

In spite of that, this sign stands outside the door of my congressional office, and I change the number every day. It speaks loudly. Trayvon Martin's murderer is still at large. Thirty-one days with no arrest. Trayvon died because of racial profiling 31 days ago.

If you walk into any inner city high school in the African American community, Mr. Speaker, and ask the students, "Have you ever been racially profiled," trust me, every one of them will raise their hands, boys and girls. You might say to me, "Congresswoman, what does that mean? Who is profiled? And who is doing the profiling?" I will tell you:

- Boys by police officers.
- Boys by vigilante wannabe-police officers.
- Boys who get into an elevator and then everyone else gets off.
- Boys who walk down the sidewalk and everyone crosses the street.
- Boys who watch people lock their car doors when they approach a car.
- Boys who see women clutch their purse as they walk towards them.
- Boys who will try to catch a cab but not one who will stop.
- Boys who are followed around in stores while they shop.
- Boys who wear hoodies.
- Boys who wear dreads.
- Boys who wear gold teeth.
- Boys who sag their pants.

And boys who are walking while black, talking while black, shopping while black, eating while black, studying while black, and playing while black, and just being black.

How would you feel if you were treated with such disdain and such isolation? How do you think these little boys feel? It is a sociological problem that dates back to the days of slavery. These boys begin to see themselves not as real men, but as caricatures of real men whom people fear and despise.

Racial profiling for black boys is real, Mr. Speaker. It is not perceived. It is real, and it is happening as I speak

all over America today. Boys and girls, whom some would call a menace to society, will one day grow up to be good men in society. Those very same boys cry themselves to sleep at night because they don't know how to deal with the pressures and with the pain. You have to walk in their shoes to understand.

I call upon this Congress today and upon this Nation today:

Don't profile them.

Don't fear them.

Don't despise them.

Don't fill our prisons with them.

And please don't hunt them down like dogs and kill them.

Love them and educate them. They could be your son. They are all somebody's son. And they, too, are God's children.

Thirty-one days and still no justice. Shame, shame, shame. And today, I again demand justice for Trayvon. I demand justice for all murdered children. Power to the people and power to the children.

#### NATIONAL DEVELOPMENTAL DISABILITY AWARENESS MONTH

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

Mr. MCKINLEY. Mr. Speaker, March is National Developmental Disability Awareness month. This is a time that we can all take a moment to bring attention and understanding to both the needs and the potentials of people with developmental disabilities.

This awareness month was first declared by President Ronald Reagan in 1987 to recognize the bright future that these American citizens have in front of them. Thanks in part to proclamations like this, the perceptions of young people and adults with developmental disabilities has changed.

On a personal note, as an individual with a significant hearing disability and a grandfather of a child with special needs, I am very familiar with the hardships of overcoming the obstacles of disabilities. My grandson, Maxwell, has CHARGE syndrome and deals every day with intense developmental and medical challenges. He is a true inspiration to his mother and our entire family.

□ 1030

During Developmental Disabilities Awareness Month, I encourage everyone to engage with people in our communities who have developmental disabilities and recognize their talents and abilities that will make this a better Nation.

#### REVEREND AL SHARPTON AND TRAYVON MARTIN

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

Mr. AL GREEN of Texas. Mr. Speaker, I would like to say to all who are

within the sound of my voice or may be viewing what is said that I am exceedingly grateful and I thank God for Reverend Al Sharpton.

Reverend Sharpton has been involved in the Trayvon Martin circumstance for some time now. That is not unusual. What may be considered unusual is that he is involved at a time when he has lost his mother, and he is acting under some courageous circumstances that require courage, I might say, under these circumstances. I admire what he does, but I especially admire the fact that he is doing it under these circumstances, and today he is funeralizing his mother.

So to Reverend Al Sharpton, I want to express my gratitude; and I would like to just take a very short brief moment of silence and express my sympathies silently to Reverend Sharpton and his family.

Thank you.

Mr. Speaker, I want to thank all of my colleagues who have supported what the Justice Department is doing. It is exceedingly important that people understand that this is a bipartisan effort across the length and breadth of this country. This transcends the lines that can divide us. This is not about being a conservative. It's not about being a liberal. It's about justice for Trayvon Martin. I believe that people of goodwill come in all stripes, they are affiliated with all parties, and people of goodwill want to see justice done.

My colleague before me expressed that it has been 31 days and there has not been an arrest. We are now hearing more about what may have happened. I say "may have happened" because we have not had an eyewitness to come forward and give statements. It's important to note that what we're hearing is not coming by way of eyewitness testimony. Someone has had someone say something that they are repeating.

My hope is that there will be a thorough investigation. There should be an investigation. My hope is that we will have the opportunity to produce evidence by and through the constabulary to show what actually happened to the extent that the standard that is commonly used to make an arrest is applied to this case. That standard is probable cause. It is not guilt beyond a reasonable doubt, not clear and convincing evidence, but, rather, probable cause. It is whether there is probable cause to make an arrest.

We have many laws that are coming into play, and I want to thank Chairman JOHN CONYERS. I call him chairman. He is now the ranking member of the Judiciary Committee. I want to thank him because he is taking the lead today on a forum that will take place. In fact, he's making it possible for us to have this forum today. At this forum today, there will be some clarity brought to how the Federal Government is involved in these kinds of circumstances.

In '09, there was a hate crimes law that was passed. There will be some

considerable talk about this hate crimes law that was passed. Federal jurisdiction has been expanded under the '09 law, pursuant to the 14th Amendment and the equal protection provided thereunder. There will be talk about how the Justice Department has a role in these processes from time to time. There will be talk about how financial support can be accorded the local constabulary under certain circumstances. There will be talk about how Federal charges can be promulgated and enforced under certain circumstances. So I will be honored to have an opportunity to be at this forum today so that we can talk more about the Federal role.

In the final analysis, here's what we're dealing with. We're dealing with a circumstance wherein there are at least two people who deserve a fair trial. Trayvon Martin is one of the two people, at least, who deserves a fair trial. He deserves a fair hearing on what happened that day. He cannot speak for himself, but there is evidence that speaks volumes about what happened on this occasion. That evidence has to be considered such that some impartial body can make a determination as to whether or not there should be an arrest.

If there is an arrest—and I believe that the evidence exists such that there is probable cause—if there is an arrest, then there can be a trial and then there can be the transparency that the United States of America produces whenever we have trials, because there will be an opportunity for all sides to present their evidence in a court of law before a jury if a jury is desired. This is the way we do things in the United States of America.

Regardless of his color, he deserves a fair trial. Regardless of what he had on, he deserves a fair trial. And to those who say that hoodies make you a criminal, I say: Be careful, because you're getting dangerously close to saying women can cause themselves to become victims. You're dangerously close, so be careful.

#### LETTING THE ENTREPRENEURIAL SPIRIT TAKE HOLD

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

Mr. MCHENRY. Mr. Speaker, today I want to talk about something that is very important, a great opportunity for this Congress to lift the red tape from Washington and allow the entrepreneurial spirit of America to take hold.

We know that, 3 years into an economic recovery, America's labor and capital markets continue with unprecedented challenges. Entrepreneurship is at a 17-year low. Deeply troubling, as we know, is that 40 million jobs since 1980 have been created by small businesses or start-ups. What is interesting about this is that those are the folks

that are likely to fail when you create a small business. But still, we have netted 40 million new jobs out of this one sector over the last 30 years.

Fixing this mess that we've seen in this recent downturn won't happen overnight, and there is no silver bullet for fixing it; but we have to recognize that America has seen the world catch up, catch up to what once was the most vibrant capital market on the planet here in the United States. The world has caught up because they see what that does in terms of job creation. They have caught up in terms of regulation, and they allow capital to flow more easily in other jurisdictions around the world.

We also know, according to the World Bank, that the Doing Business report found that the U.S. fell from third to 13th in the ease of starting new businesses. It's fallen that quickly just in the last 5 years. And because of Dodd-Frank, credit is less available and more costly than it was before. We have restricted the opportunity for businesses to get the lending that they need.

At the same time, we haven't updated our securities regulations in the United States in 80 years. There has been no significant rewrite since the Securities Act of 1933 and the Securities and Exchange Act of 1934. They put in place restrictions that were right at the time. You had this new technology called the telephone. You had folks hawking securities on street corners in New York, and so they wrote regulations at the time that were applicable to the time.

We know that the Internet is a fully mature ecosystem now. We know that billions of dollars are transacted just on eBay alone. People have an online reputation with social networks that they can utilize. We want to take that power and actually allow businesses to use that power of the Internet and social networks. That's why I filed, and this House passed, the Entrepreneur Access to Capital Act that provides those updates, so you can actually have crowdfunding.

What is crowdfunding? crowdfunding is the best of microfinancing and crowdsourcing. You use a wide network of individuals and you can raise capital for your new business, your start-up, or your small business. We passed that and sent it to the Senate.

The Senate didn't do anything, they didn't act, so we repackaged the bill and put it within the JOBS Act. This House passed it with an overwhelming majority of nearly 400 votes. We sent it to the Senate and the Senate changed a few small provisions and is sending it back this week. We hope to pass that bill this week and send it to the President's desk.

What the legislation for crowdfunding does is remove that restriction on communicating, which the Securities Act of 1933 puts in place, and lifts the cap on investors that the Securities Exchange Act of 1934 provides for.

□ 1040

So, crowdfunding is a great opportunity for small businesses to raise equity. Unfortunately, the Senate decided to amend a few small provisions within this crowdfunding act that we were able to pass here in the House, I believe a few misguided, ill-informed provisions: one, expanding liability provisions for issuances of crowdfunding securities, and, number 2, banning general solicitation, which means that a company can't put up on their Facebook or post on their Twitter account, they can't tweet the fact that they're trying to raise capital. I think those restrictions are flawed and misguided, and I would ask the Senate to come around to fixing these provisions.

I think it's very important the House pass the JOBS Act this week so we can make capital formation more democratic, more in touch with the market as it is today. And so I ask my colleagues to vote for the JOBS Act, and I ask the President to sign this bill so that we can help capital formation in the United States and get people working again.

#### NUCLEAR WASTE REPOSITORIES

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

MR. SHIMKUS. Mr. Speaker, it's been a couple of weeks since I've been able to come down to the floor and talk about high-level nuclear waste. As you know, through the past year, I've been coming to the floor. I am chairman of the Environment and the Economy Subcommittee. We have jurisdiction over a lot of different types of waste. One of those is nuclear waste.

I also have come to the floor to just give a short history lesson on where we're at, where we should be, and the problems that stand in our way. In 1982, the national government passed the Nuclear Waste Policy Act. In 1987 amendments were then offered that said we need to have a long-term geological repository and that repository should be Yucca Mountain.

So I've been going around the country and looking at the different places where we have high-level nuclear waste, whether it's on the west coast, the State of Florida, Massachusetts, in the central part. Today I go to the State of Colorado, which has nuclear waste in the State, and I want to compare it to where it should be.

As a review, Yucca Mountain is, by law, defined as the place where we should put high-level nuclear waste. Currently, there's no nuclear waste on-site. The waste would be stored a thousand feet underground. The waste would be a thousand feet above the water table because it's in a desert. And the waste is 100 miles from the Colorado River.

Now, compare that to the nuclear waste that is at a location called Fort St. Vrain. Currently, there are 30 mil-

lion tons of uranium, of spent fuel, on-site. The waste is stored above-ground in vaults. The waste is less than 25 feet above the groundwater, and the waste is 1 mile from the South Platte River. A mile from the South Platte River, 100 miles from the Colorado River.

So part of this debate is, why haven't we moved and complied with Federal law? Well, we all know that. It's the Senator from the State of Nevada, who's made it his personal crusade to block our ability to proceed and has blocked funding for the final scientific study.

This whole debate has moved into the political arena, not the arena of law, and in the U.S. Senate you really need 60 votes to move public policy. So I've been coming down to the floor and looking at Senators from States that surround Colorado and see where they have either declared their position or cast votes on the national repository, Yucca Mountain.

As you see, from Texas, you've got Senator CORNYN, who's a yes; Senator HUTCHISON is a yes. Oklahoma, Senator COBURN's a yes; Senator INHOFE's a yes. New Mexico, Senator BINGAMAN has voted no. Senator BENNET from Colorado is new, hasn't really stated a position. We'd like to see him get on the record.

My two friends, the UDALL cousins, both TOM and MARK, we will check the record, but I believe that they've cast a vote in the Senate, and if not, they haven't stated a recent position.

Why is that important? Because we've been tallying where the Senators are, and right now we really need 60 votes to come to conclusion. We've already spent \$15 billion, and we have no nuclear waste on-site. Right now, based upon our calculations, we have 45 Senators that would support moving of high-level nuclear waste to Yucca Mountain. We have 17 who we don't know their position, and we have 16 who have stated or they have voted in the past as no. So our challenge here is to get these Senators on record and show the collective will.

Now, we've done it in the House. We've had votes in the House in which we had about 300 Members of this Chamber, a bipartisan vote, in support of moving forward on the funding, the scientific funding to finally finish a single repository at Yucca Mountain.

It's very important for our national security. It's very important for all the locations around. We already have 104 nuclear power plants in this country; all have nuclear waste on-site.

We also have nuclear waste that's involved with our defense industry back at Fort St. Vrain. That waste was supposed to be transported to Idaho, but litigation has kept it there. If we don't move that waste, then by 2035 the Federal Government will have to pay the State of Colorado \$15,000 a day until we take the responsibility that we have committed to as a national government.

I appreciate this time, Mr. Speaker, to come down. We'll continue to get

through all the U.S. Senators and attempt to try to get to the magic number of 60.

#### COMMEMORATING GREEK INDEPENDENCE DAY

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

Mr. BILIRAKIS. Today, I rise to honor and commemorate Greek Independence Day.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of revolution over the Monastery of Agia Lavra in the Peloponnese, and "Eleftheria i Thanatos," which means "Liberty or Death," Mr. Speaker, became the battle cry. This day to start the Greek War of Independence was not chosen by chance because it coincides with the Greek Orthodox Church's celebration of the Annunciation to the Mother of God. Again, this was not a coincidence because to the Greeks of 1821, Mr. Speaker, the Mother of God was their champion and their protector.

As we all know, the price of liberty can be very high. Socrates, Plato, Pericles, and many other great minds throughout history warned that we must maintain democracy only at great cost. Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past.

Like the American revolutionaries who fought for independence and established this great Republic, Greek freedom fighters began an arduous struggle to win independence for Greece and her people. After four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. This was the 19th century David versus Goliath.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It proved to the world that a united people, through sheer will and perseverance, can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution throughout the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great.

I take great pride in both my Greek and American heritage, and each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and early Americans.

□ 1050

As Thomas Jefferson once said:

To the ancient Greeks, we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.

Throughout American history, Greece and her people have stood as a staunch and unrelenting ally of the United States. In 1917, Greece entered World War I on the side of the Allies,

as well as when they were invaded in 1940 during World War II. The enemy was then forced to divert troops to Greece to protect its southern flank in 1941. Alongside the American and Allied Forces, Greece played an integral role in defeating the enemies.

I would be remiss if I stood on the floor today and did not also pay homage to the American and Greek soldiers who fought side by side during the Korean War and, most notably, at Outpost Harry. As many of you know, each night the outpost was defended by only a single company of American or Greek soldiers. The Chinese had anticipated an easy capture; however, they did not anticipate the resolve of our soldiers to hold Harry at all costs and, therefore, making withdrawal not an option. Due to Harry's defense, the enemy ultimately called off their attacks due to the heavy losses suffered. This, ladies and gentlemen, was heroic.

For the first time in United States military history, five rifle companies together—four American and one Greek—would receive the prestigious Distinguished Unit Citation for the outstanding performance of their shared mission.

In expressing his sympathies with Greece revolting its Ottoman rulers, Thomas Jefferson said:

No people sympathize more feelingly than ours with the sufferings of your countrymen, none offer more sincere and ardent prayers to heaven for their success. Possessing ourselves the combined blessing of liberty and order, we wish the same to other countries, and to none more than yours, which, the first of civilized nations, presented examples of what man should be.

I stand here before you today to commemorate the Greeks who fought against oppression. I stand here before you today to celebrate that day, March 25, 1821. By doing so, we reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

#### RECESS

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

Accordingly (at 10 o'clock and 54 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:

Loving and gracious God, we give You thanks for giving us another day.

Help us this day to draw closer to You so that, with Your Spirit, and aware of Your presence among us, we may all face the tasks of this day.

Bless the Members of the people's House. Help them to think clearly, speak confidently, and act courageously in the belief that all noble service is based upon patience, truth, and love.

May these decisive days through which we are living make them genuine enough to maintain their integrity, great enough to be humble, and good enough to keep their faith, always regarding public office as a sacred trust. Give them the wisdom and the courage to fail not their fellow citizens, nor You.

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.

#### PLEDGE OF ALLEGIANCE

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

Mr. MCHENRY 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.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The message also announced that the Senate concurs in the amendment of the House of Representatives to the bill (S. 2038), "An Act to prohibit Members of Congress and employees of Congress from using nonpublic information derived from their official positions for personal benefit, and for other purposes."

The message also announced that pursuant to Public Law 105-292, as amended by Public Law 106-55, and as further amended by Public Law 107-228, and Public Law 112-75, the Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, appoints the following individual to the United States Commission on International Religious Freedom:

Katrina Lantos Swett of New Hampshire, vice Dr. Don H. Argue.

## ANNOUNCEMENT BY THE SPEAKER

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

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**LOWER THE PRICE OF GASOLINE  
AT THE PUMP**

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

Mr. MCHENRY. Mr. Speaker, my constituents in western North Carolina and my neighbors and I are really upset about what's happening at the price of gasoline at the pumps.

What we see out of this administration and what we see out of some extreme environmentalists is an unwillingness to tap our natural resources to relieve the price at the pumps today. We've seen out of this administration Solyndra. We've seen scandal after scandal with this green energy policy lending coming out of the stimulus from a couple of years ago and out of liberal policies in Washington.

What my constituents want to see is real exploration so that we can lower the price at the pumps. That's what we deserve, and that's an action that I ask this administration to take.

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**REPUBLICAN PLAN TO END  
MEDICARE**

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

Mr. BACA. Madam Speaker, here we go again. This week, the House will vote on yet another Republican plan to end Medicare as we know it.

America's seniors have given a lifetime of service to our Nation. They deserve better than to be left out in the cold.

If it becomes law, the Republican budget will end the Medicare guarantee of secure health coverage for our seniors and replace Medicare with a voucher system that would, instead, give our seniors a premium support payment.

Even worse, the Republican budget gives new tax breaks to millionaires, billionaires, and Big Oil companies. Economists agree the Republican budget plan would destroy 4.1 million American jobs by the end of 2014.

Last year the American people weren't fooled by the dangerous and unfair House Republican budget. If it didn't work the first time, it's not going to work this time.

Let us work together on a bipartisan budget that does not favor the super-rich over seniors and the middle class.

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**REPUBLICAN BUDGET**

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

Mr. SMITH of Nebraska. Madam Speaker, I rise today to discuss the

budget, contrasting the Republican plan, which would actually strengthen and extend Medicare, and the President's plan that would actually maybe allow Medicare to go bankrupt only 2 years later than it would otherwise.

One particular provision in the President's budget, a cut in reimbursement to critical access hospitals, would endanger access to nearby hospital care for millions of seniors, including those served by the 48 critical access facilities in Nebraska's Third District.

However, the Republican budget provides an alternative which ensures access to care without relying on arbitrary cuts. Our plan would also focus future Federal support on the sick and poor, while ensuring no change for those at or near retirement.

Madam Speaker, inaction now will only guarantee Medicare is more problematic in future years. We must act now to ensure it remains solvent for those who depend on it most.

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**POSTAL SERVICE FACILITY  
CLOSURE PROCESS**

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

Mr. HIGGINS. Madam Speaker, I rise to express my deep concerns about the postal service's facility closure process.

Testimony at a recent Postal Regulatory Commission hearing brought to light details of a study kept secret because it projected billions of dollars in losses, despite facility closures. It also revealed mail volume would take a huge hit due to service standard changes.

Yet the postal service has no plans to change its course, further proof that the postal service is operating under an ill-conceived "decide now, justify later" strategy.

The Buffalo Mail Processing Facility recently developed a training session for postal employees that is now the template for a national model. Surprisingly, this facility is scheduled for closing. It doesn't make any sense.

My colleague GERRY CONNOLLY is asking the postal service to release the full results from the study, and I agree. We should not—and cannot—stand by and watch these facilities close without taking all facts into account.

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**THE JOB-KILLING EPA MUST BE  
STOPPED**

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

Mr. JOHNSON of Ohio. Madam Speaker, President Obama's job-killing EPA is at it again. Last year, the EPA proposed a rule on manganese alloy production that would close down the last two manganese alloy production facilities in America, costing over 500 direct American jobs and thousands of indirect jobs. One of the facilities is in my hometown of Marietta, Ohio.

These manganese alloys are vital raw components to the steel industry and are used in a wide variety of industries, including defense and the automotive industry, just to name two.

The proposed EPA rule would require scientifically unproven and costly process controls to be installed on the two facilities, and the EPA has ignored the warnings that if the proposed rule is finalized it will not be economically feasible for these plants to continue to operate.

Furthermore, if this rule is finalized, American steel companies will be forced to import this vital raw material from China or other foreign sources.

Today I will begin work with my House colleagues to ensure the EPA does not go forward with this job-killing rule.

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**STAND BEHIND OUR VETERANS**

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

Mr. WALZ of Minnesota. Madam Speaker, I rise today to bring an important concern to my colleagues. Every one of us here has a sacred commitment to care for those warriors who are willing to serve us overseas, and one of our major concerns is making sure they're employed when they return back home.

What's alarming is the Department of Defense recently issued a change in their policy that will undermine our ability to do that. I'm referring to the Department of Defense Post-Deployment Mobilization Respite Account. This important policy is designed to give our brave warriors sufficient time to transition back into the private sector. PDMRA, as it's called, is an important tool that gives them that opportunity.

The change by the DOD reduces the number of paid transition days that were promised to our men and women after they deploy to the war zone. Halfway through, for many of them, their third or fourth deployment, DOD is now taking that back when their plans were set this spring when they returned home. While they're in Iraq and Afghanistan, that is certainly not the right thing to do.

Every single one of us wants to balance the budget and must focus us on that, simply not on the backs of veterans and warriors serving this Nation.

I ask my colleagues to join me in asking the Department of Defense to reverse course on this policy, hire our veterans, and keep our moral commitment to them.

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□ 1210

**HONORING DR. JEROL SWAIM FOR  
48 YEARS OF SERVICE TO WIL-  
LIAMS BAPTIST COLLEGE**

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

Mr. CRAWFORD. Madam Speaker, I rise today to recognize Dr. Jerol Swaim, president of Williams Baptist College in Walnut Ridge, Arkansas.

After 48 years of service to Williams Baptist, Dr. Swaim has announced his retirement. Although he will no longer be on the campus every day, his influence will certainly be felt there for years to come.

Dr. Swaim started his career at Williams Baptist as a professor of history, government and economics. In 1973, he became academic dean of the college and has also held the titles of vice president for academic affairs and executive vice president. In 1995, he agreed to become the fifth president of Williams Baptist, a role he has filled since that time.

Dr. Swaim is stepping down after presiding over a transformation of the Williams campus. Since the late 1990s, nearly every building on the campus has either been newly constructed or extensively renovated.

Under Dr. Swaim, Williams Baptist has expanded its academic offerings as well as its academic reputation. It broke into the top tier of U.S. News & World Report college rankings in 2010 and climbed in the rankings again this year.

Madam Speaker, today we honor Dr. Jerol Swaim for his 48 years of service to Williams Baptist College and the countless lives he has changed.

#### RYAN BUDGET IS SHAMEFUL

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

Mr. BUTTERFIELD. Madam Speaker, the Republican budget cuts at least \$3.3 trillion from low-income programs over the next 10 years while it increases the defense budget. It reduces taxes to a level that will wreak havoc on the Federal Treasury.

The rate of poverty is at its highest level in nearly 30 years. The Republican budget would increase poverty and exponentially raise the misery index for hardworking American families.

The Ryan budget also wreaks havoc on seniors. The American people must know that this Republican budget—which has been endorsed by all three Republican Presidential candidates—will end Medicare as we know it. Their plan is to get the Federal Government out of the Medicare program. Republicans simply want to provide seniors a small voucher to purchase Medicare insurance on the private market. Most seniors will not have the money to do that.

The Ryan budget shows Medicaid cuts of \$810 billion. They want to get the Federal Government out of the medical assistance program to low-income families and place that burden on States with an underfunded mandate.

Madam Speaker, the Ryan budget is absolutely shameful and misleading. House Democrats will fight it to the end.

#### REPUBLICAN BUDGET: ASSAULT ON MEDICARE AND MIDDLE CLASS

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

Ms. KAPTUR. Madam Speaker, once again, Republicans in the House have put forward a budget that ends Medicare as we know it. This is an all-out Republican assault on Medicare and our Nation's middle class.

Who benefits from this Republican budget? Millionaires certainly do. Think Wall Street Bonus Boys. This Republican budget would give them an additional tax cut of \$187,000—that's for starters—yet lower and middle class Americans, people making \$20,000 to \$30,000 a year, they get no tax cut at all.

This Republican budget also gives away \$3 trillion in tax cuts and benefits to corporations. Republicans' real priorities: cutting the safety net, giving the super-rich a handout, and ignoring the damage to the deficit.

The Republicans would end the promise of Medicare for both current and future beneficiaries by shifting the program to private insurance financed by vouchers. The nonpartisan Congressional Budget Office says that the Republican budget would reduce benefits to seniors and force many to spend much more than they do today.

Why are the Republicans so intent on making seniors sacrifice first? Why not claw back Wall Street's bonuses?

I urge my colleagues to vote against the Republican budget. Support the Democratic alternative. Protect seniors and our middle class.

#### MOURNING THE LOSS OF POPE SHENOUDA III

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

Mr. SIREs. Madam Speaker, on March 17, the world lost a great spiritual leader, His Holiness Pope Shenouda III. I rise today to join the millions of Coptic Christians in mourning his death.

This past Sunday, St. Mary Coptic Church in East Brunswick, New Jersey, held a very moving memorial service for the Pope. An estimated 1,000 mourners gathered in the cathedral while a thousand more listened to the service in nearby rooms.

There was an outpouring of grief from people of all faiths. Leaders from many religions and sects were in attendance to pay homage to the Pope, including His Grace Bishop David, the Bishop of the Archdiocese of North America.

As we mourn the loss of a great leader and purveyor of faith and religious tolerance, we remember and embrace all that the Pope has done for the Coptic community in Egypt and around the world. The beloved leader of the Coptic Christian church has provided immeasurable contributions to further

promote tolerance and interfaith dialogue in Egypt and serves as an example of how communities of different faiths can live in harmony.

As Egypt continues its transition, Egyptian leaders must work together to uphold the rights of all religious communities in Egypt and end all discrimination.

#### OBAMA CARES

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

Ms. HANABUSA. Madam Speaker, I read my local paper this morning and read a reference by Richard Borreca, a reporter who said that the Affordable Care Act is known as ObamaCare. At first I cringed because that's the way Republicans refer to it. But then I thought about it, and you know what? You're absolutely right; Obama cares. That's why we have that law.

Think about what he looked at in 2008 and 2009. There were 50 million people who were uninsured at a cost of \$116 billion a year. That could bankrupt any family. But with the Affordable Care Act, think about what you have: women no longer have to be worried about being discriminated against as a preexisting condition; seniors don't have to worry, they can have preventative care and the doughnut hole will close; youth can be covered under their parents' plan to the age of 26; and small business can avail themselves of a tax credit.

Yes, Madam Speaker, Obama cares, as do the Democrats.

#### PUTTING AMERICANS BACK TO WORK

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

Mr. YODER. Madam Speaker, I rise today to again encourage my colleagues to support pro-growth economic policies that can help put Americans back to work.

With over 8 percent unemployment and slow economic growth, many Americans are struggling to pay their bills and provide for their families. Unfortunately, many of the policies coming out of Washington over the past few years have prolonged this economic stagnation and damaged our recovery.

With small businesses creating two out of every three jobs in this country, we need to support policies that keep business taxes down, eliminate costly regulations, and open up new avenues for access to capital. That's why I'm happy to support the JOBS Act. This bipartisan legislation will help new business formation, open up access to capital, and help new businesses create jobs.

Madam Speaker, let's work together in bipartisan fashion on the JOBS Act and other legislation, and let's help put Americans back to work.



REPUBLICAN BUDGET TO END  
MEDICARE

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

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise today in strong opposition to the Ryan Republican budget that will end Medicare as we know it.

Reminiscent of last year, the Republican budget provides tax breaks for the millionaires and billionaires while ending the Medicare guarantees for our seniors, sticking them with the bill for rising health care costs.

The proposals in the Republican budget lack balance and jeopardize the health and economic security of our Nation's seniors. The 300,000 Texas seniors, who have saved almost \$200 million on prescription drug costs since the Affordable Care Act was signed into law, will be forced back into the prescription drug doughnut hole.

I urge my Republican colleagues to end this attack on our seniors, as they have already been through enough, and we have given the rich too much leeway while the middle class and the poor pay the bills.

REPUBLICAN BUDGET

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

Mr. HIMES. Madam Speaker, as I reflect on where this country has been in the last 10 years, I see two wars fought at the cost of thousands of lives and \$2 to \$3 trillion; tax cuts during a time of war—something unprecedented in this country's history—and now we're seeing more of the same: a Republican budget that would increase spending on defense, despite the fact that we spend more than every other country combined on defense, and would provide tax cuts to the very wealthiest in this country. The Office of Management and Budget estimates that millionaires will see \$150,000 in tax cuts with this budget.

So who pays? Anybody who relies on medical research for a cure or to stay healthy will pay. Our education will pay. Pell Grants and Head Start for poor children to get educated will be gutted. Medicare will pay. Medicaid will pay. In my district where highways and railways are critical, investment in those things will be gutted. We all pay if this budget becomes law. I urge—implore—my colleagues to reject the Republican budget.

□ 1220

ALL FOR ONE AND THE ONE GETS  
ALL

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

Mr. YARMUTH. Madam Speaker, a recent analysis of American tax reve-

nues revealed that in 2010, as our country was recovering from the Great Recession, 93 percent of new income went to the top 1 percent of earners. That's \$288 billion more exclusively for the 1 percent. I am sure my friends across the aisle were outraged that 7 percent could go to waste on the other 99 percent of American families.

Their solution: the Republican 1 percent budget—a gift basket for millionaires and billionaires. Inside is a permanent extension of the Bush tax cuts, which have created an income gap in this country on par with Cameroon and Rwanda. But the Republicans' 1 percent budget doesn't stop there. It gives an additional tax break of \$150,000 to people earning more than \$1 million a year while dismantling Medicare, slashing education, transportation, and the social safety net to pay for it.

I urge my colleagues to oppose this "all for one and the one percent gets all" budget and to support a plan that reflects our Nation's values of fairness and shared responsibility.

COMMENDING PRESIDENT  
OBAMA'S COMMITMENT TO DO-  
MESTIC OIL PRODUCTION

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

Mr. FALEOMAVAEGA. Madam Speaker, rising gas prices are hitting families hard, adding to what is already a tough economic situation for our citizens across the Nation.

That is why I commend President Obama for his all-of-the-above energy strategy, which includes a strong commitment to domestic oil production. Oil and gas development has increased in every year of the Obama administration, and domestic oil production is now at an 8-year high. Furthermore, our foreign dependence on oil is at a 16-year low. Last year, we cut net oil and petroleum imports by 1 million barrels a day.

President Obama has also offered millions of acres of land for lease and has improved safety measures to prevent future spills. The President has also proposed opening up more undiscovered offshore oil and gas resources for development in the Gulf of Mexico.

I thank President Obama for his leadership in increasing oil production so that our Nation, our country, will depend less on imported foreign oil.

REJECT THE REPUBLICAN BUDGET

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

Mr. CLEAVER. You hear a lot about the Ryan budget. I've chosen not to call it the "Ryan budget"—it's just my personal thing—because it becomes personal. So, when I criticize it, it seems like I'm criticizing a person when I'm not. I'm criticizing the Re-

publican Budget Committee from which it came, and I'm criticizing it because 62 percent of all the cuts in that budget will be aimed at low-income individuals and seniors. The Medicare program is going to be threatened, and the AARP sent out a notice to all of its members explaining what would happen to Medicare if it is voucherized.

We are the only Nation in the history of planet Earth to give tax cuts as we enter and then are in the middle of a war—2003, 2005—giving tax cuts in the middle of a war. Last year, the 22 largest hedge fund managers earned \$22 billion, and they paid only 15 percent on the tax of the capital dividends. The people who are watching this pay 27 to 30 percent.

It's not right. We've got to reject this budget.

THE BUDGET AND MEDICARE

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

Mrs. DAVIS of California. Madam Speaker, as my constituents remind me frequently, seniors have paid into the Medicare system their whole working lives. Seniors have done so with the understanding that, if they work hard and play by the rules, this country will provide for their health care needs during retirement. That is why I am committed to working with my colleagues and the administration to ensure the survival of Medicare, and that is why I strongly oppose the Republican budget.

The Republican budget would end Medicare by transforming it into a voucher program, and it would slash over \$1 trillion in benefits over the next decade. So, with far less money in hand, our seniors would become dependent on insurance companies to decide the fate of their health care—insurance companies that could price our seniors out of the market or cut benefits at will. Also, while the Republican budget takes from seniors to cut costs, it gives millionaires an average tax cut of at least—at least and I've seen larger numbers—\$150,000 in 2014.

Our seniors deserve better. I look forward to a real bipartisan effort to preserve the promise of Medicare for future generations.

REPUBLICAN BUDGET ENDS  
MEDICARE

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

Mr. LEWIS of Georgia. Madam Speaker, again this year, the Republican budget would end Medicare's guarantee to our seniors. The Republican budget takes aim at the very heart of our moral obligation to our seniors.

Medicare has been both a blessing and a lifeline for our seniors and the disabled. Our seniors have worked a

lifetime to make our country great, and we will not break our promise that Medicare will be there for them in their retirements. Medicare is at the core of our social compact. It is at the heart of what has made our Nation strong. We must not turn Medicare into a voucher program. We will not—we must not—balance our budget on the backs of our seniors.

#### JOBS AND THE TRANSPORTATION BILL

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

Mr. LANGEVIN. Madam Speaker, I rise today in support of the bipartisan, Senate-passed highway transportation reauthorization bill, or MAP-21.

We all know, in this global economy in which we now live, in order to truly be competitive we need to have a 21st century infrastructure to match a 21st century economy, but we're not there. Our Nation right now, of course, is facing a fragile economic recovery. Nowhere is that more apparent than in my home State of Rhode Island, which currently has an unemployment rate of 11 percent.

MAP-21 will help rebuild America's economy on a stronger, more sustainable foundation. It will provide the financing for critical highway and transit projects, and it will support almost 2 million jobs—9,000 of them right in my home State of Rhode Island. The failure to pass a long-term transportation bill could result in additional job losses, threatening our economic recovery and countless families who are barely getting by as it is.

The Senate has done its job. Now it is time for the House to do the same. Let's bring MAP-21 to a vote and move forward on the path to rebuilding our roads, our communities, and our economy.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. MILLER of Michigan) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, March 27, 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 March 27, 2012 at 9:15 a.m.:

That the Senate agreed to without amendment H. Con. Res. 108.

Appointments:  
United States Commission on International Religious Freedom.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
Clerk.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record vote on the postponed question will be taken later today.

#### JUMPSTART OUR BUSINESS STARTUPS ACT

Mr. BACHUS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike title III and insert the following:

#### TITLE III—CROWDFUNDING

##### SEC. 301. SHORT TITLE.

This title may be cited as the "Capital Raising Online While Deterring Fraud and Unethical Non-Disclosure Act of 2012" or the "CROWDFUND Act".

##### SEC. 302. CROWDFUNDING EXEMPTION.

(a) SECURITIES ACT OF 1933.—Section 4 of the Securities Act of 1933 (15 U.S.C. 77d) is amended by adding at the end the following:

"(6) transactions involving the offer or sale of securities by an issuer (including all entities controlled by or under common control with the issuer), provided that—

"(A) the aggregate amount sold to all investors by the issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, is not more than \$1,000,000;

"(B) the aggregate amount sold to any investor by an issuer, including any amount sold in reliance on the exemption provided under this paragraph during the 12-month period preceding the date of such transaction, does not exceed—

"(i) the greater of \$2,000 or 5 percent of the annual income or net worth of such investor, as applicable, if either the annual income or the net worth of the investor is less than \$100,000; and

"(ii) 10 percent of the annual income or net worth of such investor, as applicable, not to exceed a maximum aggregate amount sold of \$100,000, if either the annual income or net worth of the investor is equal to or more than \$100,000;

"(C) the transaction is conducted through a broker or funding portal that complies with the requirements of section 4A(a); and

"(D) the issuer complies with the requirements of section 4A(b)."

(b) REQUIREMENTS TO QUALIFY FOR CROWDFUNDING EXEMPTION.—The Securities Act of 1933 (15 U.S.C. 77a et seq.) is amended by inserting after section 4 the following:

##### "SEC. 4A. REQUIREMENTS WITH RESPECT TO CERTAIN SMALL TRANSACTIONS.

"(a) REQUIREMENTS ON INTERMEDIARIES.—A person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others pursuant to section 4(6) shall—

"(1) register with the Commission as—

"(A) a broker; or

"(B) a funding portal (as defined in section 3(a)(80) of the Securities Exchange Act of 1934);

"(2) register with any applicable self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act of 1934);

"(3) provide such disclosures, including disclosures related to risks and other investor education materials, as the Commission shall, by rule, determine appropriate;

"(4) ensure that each investor—

"(A) reviews investor-education information, in accordance with standards established by the Commission, by rule;

"(B) positively affirms that the investor understands that the investor is risking the loss of the entire investment, and that the investor could bear such a loss; and

"(C) answers questions demonstrating—

"(i) an understanding of the level of risk generally applicable to investments in startups, emerging businesses, and small issuers;

"(ii) an understanding of the risk of illiquidity; and

"(iii) an understanding of such other matters as the Commission determines appropriate, by rule;

"(5) take such measures to reduce the risk of fraud with respect to such transactions, as established by the Commission, by rule, including obtaining a background and securities enforcement regulatory history check on each officer, director, and person holding more than 20 percent of the outstanding equity of every issuer whose securities are offered by such person;

"(6) not later than 21 days prior to the first day on which securities are sold to any investor (or such other period as the Commission may establish), make available to the Commission and to potential investors any information provided by the issuer pursuant to subsection (b);

"(7) ensure that all offering proceeds are only provided to the issuer when the aggregate capital raised from all investors is equal to or greater than a target offering amount, and allow all investors to cancel their commitments to invest, as the Commission shall, by rule, determine appropriate;

"(8) make such efforts as the Commission determines appropriate, by rule, to ensure that no investor in a 12-month period has purchased securities offered pursuant to section 4(6) that, in the aggregate, from all issuers, exceed the investment limits set forth in section 4(6)(B);

"(9) take such steps to protect the privacy of information collected from investors as the Commission shall, by rule, determine appropriate;

"(10) not compensate promoters, finders, or lead generators for providing the broker or funding portal with the personal identifying information of any potential investor;

"(11) prohibit its directors, officers, or partners (or any person occupying a similar status or performing a similar function) from having any financial interest in an issuer using its services; and

"(12) meet such other requirements as the Commission may, by rule, prescribe, for the protection of investors and in the public interest.

"(b) REQUIREMENTS FOR ISSUERS.—For purposes of section 4(6), an issuer who offers or sells securities shall—

"(1) file with the Commission and provide to investors and the relevant broker or funding portal, and make available to potential investors—

"(A) the name, legal status, physical address, and website address of the issuer;

"(B) the names of the directors and officers (and any persons occupying a similar status or performing a similar function), and each person holding more than 20 percent of the shares of the issuer;

"(C) a description of the business of the issuer and the anticipated business plan of the issuer;

"(D) a description of the financial condition of the issuer, including, for offerings that, together with all other offerings of the issuer

under section 4(6) within the preceding 12-month period, have, in the aggregate, target offering amounts of—

- “(i) \$100,000 or less—
- “(I) the income tax returns filed by the issuer for the most recently completed year (if any); and
- “(II) financial statements of the issuer, which shall be certified by the principal executive officer of the issuer to be true and complete in all material respects;
- “(ii) more than \$100,000, but not more than \$500,000, financial statements reviewed by a public accountant who is independent of the issuer, using professional standards and procedures for such review or standards and procedures established by the Commission, by rule, for such purpose; and
- “(iii) more than \$500,000 (or such other amount as the Commission may establish, by rule), audited financial statements;
- “(E) a description of the stated purpose and intended use of the proceeds of the offering sought by the issuer with respect to the target offering amount;
- “(F) the target offering amount, the deadline to reach the target offering amount, and regular updates regarding the progress of the issuer in meeting the target offering amount;
- “(G) the price to the public of the securities or the method for determining the price, provided that, prior to sale, each investor shall be provided in writing the final price and all required disclosures, with a reasonable opportunity to rescind the commitment to purchase the securities;
- “(H) a description of the ownership and capital structure of the issuer, including—
- “(i) terms of the securities of the issuer being offered and each other class of security of the issuer, including how such terms may be modified, and a summary of the differences between such securities, including how the rights of the securities being offered may be materially limited, diluted, or qualified by the rights of any other class of security of the issuer;
- “(ii) a description of how the exercise of the rights held by the principal shareholders of the issuer could negatively impact the purchasers of the securities being offered;
- “(iii) the name and ownership level of each existing shareholder who owns more than 20 percent of any class of the securities of the issuer;
- “(iv) how the securities being offered are being valued, and examples of methods for how such securities may be valued by the issuer in the future, including during subsequent corporate actions; and
- “(v) the risks to purchasers of the securities relating to minority ownership in the issuer, the risks associated with corporate actions, including additional issuances of shares, a sale of the issuer or of assets of the issuer, or transactions with related parties; and
- “(I) such other information as the Commission may, by rule, prescribe, for the protection of investors and in the public interest;
- “(2) not advertise the terms of the offering, except for notices which direct investors to the funding portal or broker;
- “(3) not compensate or commit to compensate, directly or indirectly, any person to promote its offerings through communication channels provided by a broker or funding portal, without taking such steps as the Commission shall, by rule, require to ensure that such person clearly discloses the receipt, past or prospective, of such compensation, upon each instance of such promotional communication;
- “(4) not less than annually, file with the Commission and provide to investors reports of the results of operations and financial statements of the issuer, as the Commission shall, by rule, determine appropriate, subject to such exceptions and termination dates as the Commission may establish, by rule; and
- “(5) comply with such other requirements as the Commission may, by rule, prescribe, for the

protection of investors and in the public interest.

- “(c) LIABILITY FOR MATERIAL MISSTATEMENTS AND OMISSIONS.—
- “(1) ACTIONS AUTHORIZED.—
- “(A) IN GENERAL.—Subject to paragraph (2), a person who purchases a security in a transaction exempted by the provisions of section 4(6) may bring an action against an issuer described in paragraph (2), either at law or in equity in any court of competent jurisdiction, to recover the consideration paid for such security with interest thereon, less the amount of any income received thereon, upon the tender of such security, or for damages if such person no longer owns the security.
- “(B) LIABILITY.—An action brought under this paragraph shall be subject to the provisions of section 12(b) and section 13, as if the liability were created under section 12(a)(2).
- “(2) APPLICABILITY.—An issuer shall be liable in an action under paragraph (1), if the issuer—
- “(A) by the use of any means or instruments of transportation or communication in interstate commerce or of the mails, by any means of any written or oral communication, in the offering or sale of a security in a transaction exempted by the provisions of section 4(6), makes an untrue statement of a material fact or omits to state a material fact required to be stated or necessary in order to make the statements, in the light of the circumstances under which they were made, not misleading, provided that the purchaser did not know of such untruth or omission; and
- “(B) does not sustain the burden of proof that such issuer did not know, and in the exercise of reasonable care could not have known, of such untruth or omission.
- “(3) DEFINITION.—As used in this subsection, the term ‘issuer’ includes any person who is a director or partner of the issuer, and the principal executive officer or officers, principal financial officer, and controller or principal accounting officer of the issuer (and any person occupying a similar status or performing a similar function) that offers or sells a security in a transaction exempted by the provisions of section 4(6), and any person who offers or sells the security in such offering.
- “(d) INFORMATION AVAILABLE TO STATES.—The Commission shall make, or shall cause to be made by the relevant broker or funding portal, the information described in subsection (b) and such other information as the Commission, by rule, determines appropriate, available to the securities commission (or any agency or office performing like functions) of each State and territory of the United States and the District of Columbia.
- “(e) RESTRICTIONS ON SALES.—Securities issued pursuant to a transaction described in section 4(6)—
- “(1) may not be transferred by the purchaser of such securities during the 1-year period beginning on the date of purchase, unless such securities are transferred—
- “(A) to the issuer of the securities;
- “(B) to an accredited investor;
- “(C) as part of an offering registered with the Commission; or
- “(D) to a member of the family of the purchaser or the equivalent, or in connection with the death or divorce of the purchaser or other similar circumstance, in the discretion of the Commission; and
- “(2) shall be subject to such other limitations as the Commission shall, by rule, establish.
- “(f) APPLICABILITY.—Section 4(6) shall not apply to transactions involving the offer or sale of securities by any issuer that—
- “(1) is not organized under and subject to the laws of a State or territory of the United States or the District of Columbia;
- “(2) is subject to the requirement to file reports pursuant to section 13 or section 15(d) of the Securities Exchange Act of 1934;
- “(3) is an investment company, as defined in section 3 of the Investment Company Act of

1940, or is excluded from the definition of investment company by section 3(b) or section 3(c) of that Act; or

- “(4) the Commission, by rule or regulation, determines appropriate.
- “(g) RULE OF CONSTRUCTION.—Nothing in this section or section 4(6) shall be construed as preventing an issuer from raising capital through methods not described under section 4(6).
- “(h) CERTAIN CALCULATIONS.—
- “(1) DOLLAR AMOUNTS.—Dollar amounts in section 4(6) and subsection (b) of this section shall be adjusted by the Commission not less frequently than once every 5 years, by notice published in the Federal Register to reflect any change in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics.
- “(2) INCOME AND NET WORTH.—The income and net worth of a natural person under section 4(6)(B) shall be calculated in accordance with any rules of the Commission under this title regarding the calculation of the income and net worth, respectively, of an accredited investor.”.
- (c) RULEMAKING.—Not later than 270 days after the date of enactment of this Act, the Securities and Exchange Commission (in this title referred to as the “Commission”) shall issue such rules as the Commission determines may be necessary or appropriate for the protection of investors to carry out sections 4(6) and section 4A of the Securities Act of 1933, as added by this title. In carrying out this section, the Commission shall consult with any securities commission (or any agency or office performing like functions) of the States, any territory of the United States, and the District of Columbia, which seeks to consult with the Commission, and with any applicable national securities association.
- (d) DISQUALIFICATION.—
- (1) IN GENERAL.—Not later than 270 days after the date of enactment of this Act, the Commission shall, by rule, establish disqualification provisions under which—
- (A) an issuer shall not be eligible to offer securities pursuant to section 4(6) of the Securities Act of 1933, as added by this title; and
- (B) a broker or funding portal shall not be eligible to effect or participate in transactions pursuant to that section 4(6).
- (2) INCLUSIONS.—Disqualification provisions required by this subsection shall—
- (A) be substantially similar to the provisions of section 230.262 of title 17, Code of Federal Regulations (or any successor thereto); and
- (B) disqualify any offering or sale of securities by a person that—
- (i) is subject to a final order of a State securities commission (or an agency or officer of a State performing like functions), a State authority that supervises or examines banks, savings associations, or credit unions, a State insurance commission (or an agency or officer of a State performing like functions), an appropriate Federal banking agency, or the National Credit Union Administration, that—
- (I) bars the person from—
- (aa) association with an entity regulated by such commission, authority, agency, or officer;
- (bb) engaging in the business of securities, insurance, or banking; or
- (cc) engaging in savings association or credit union activities; or
- (II) constitutes a final order based on a violation of any law or regulation that prohibits fraudulent, manipulative, or deceptive conduct within the 10-year period ending on the date of the filing of the offer or sale; or
- (ii) has been convicted of any felony or misdemeanor in connection with the purchase or sale of any security or involving the making of any false filing with the Commission.

**SEC. 303. EXCLUSION OF CROWDFUNDING INVESTORS FROM SHAREHOLDER CAP.**

- (a) EXEMPTION.—Section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78l(g)) is amended by adding at the end the following:

“(6) EXCLUSION FOR PERSONS HOLDING CERTAIN SECURITIES.—The Commission shall, by rule, exempt, conditionally or unconditionally, securities acquired pursuant to an offering made under section 4(6) of the Securities Act of 1933 from the provisions of this subsection.”.

(b) RULEMAKING.—The Commission shall issue a rule to carry out section 12(g)(6) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this section, not later than 270 days after the date of enactment of this Act.

#### SEC. 304. FUNDING PORTAL REGULATION.

(a) EXEMPTION.—

(1) IN GENERAL.—Section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) is amended by adding at the end the following:

“(h) LIMITED EXEMPTION FOR FUNDING PORTALS.—

“(1) IN GENERAL.—The Commission shall, by rule, exempt, conditionally or unconditionally, a registered funding portal from the requirement to register as a broker or dealer under section 15(a)(1), provided that such funding portal—

“(A) remains subject to the examination, enforcement, and other rulemaking authority of the Commission;

“(B) is a member of a national securities association registered under section 15A; and

“(C) is subject to such other requirements under this title as the Commission determines appropriate under such rule.

“(2) NATIONAL SECURITIES ASSOCIATION MEMBERSHIP.—For purposes of sections 15(b)(8) and 15A, the term ‘broker or dealer’ includes a funding portal and the term ‘registered broker or dealer’ includes a registered funding portal, except to the extent that the Commission, by rule, determines otherwise, provided that a national securities association shall only examine for and enforce against a registered funding portal rules of such national securities association written specifically for registered funding portals.”.

(2) RULEMAKING.—The Commission shall issue a rule to carry out section 3(h) of the Securities Exchange Act of 1934 (15 U.S.C. 78c), as added by this subsection, not later than 270 days after the date of enactment of this Act.

(b) DEFINITION.—Section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)) is amended by adding at the end the following:

“(80) FUNDING PORTAL.—The term ‘funding portal’ means any person acting as an intermediary in a transaction involving the offer or sale of securities for the account of others, solely pursuant to section 4(6) of the Securities Act of 1933 (15 U.S.C. 77d(6)), that does not—

“(A) offer investment advice or recommendations;

“(B) solicit purchases, sales, or offers to buy the securities offered or displayed on its website or portal;

“(C) compensate employees, agents, or other persons for such solicitation or based on the sale of securities displayed or referenced on its website or portal;

“(D) hold, manage, possess, or otherwise handle investor funds or securities; or

“(E) engage in such other activities as the Commission, by rule, determines appropriate.”.

#### SEC. 305. RELATIONSHIP WITH STATE LAW.

(a) IN GENERAL.—Section 18(b)(4) of the Securities Act of 1933 (15 U.S.C. 77r(b)(4)) is amended—

(1) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(2) by inserting after subparagraph (B) the following:

“(C) section 4(6);”.

(b) CLARIFICATION OF THE PRESERVATION OF STATE ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The amendments made by subsection (a) relate solely to State registration, documentation, and offering requirements, as described under section 18(a) of Securities Act of 1933 (15 U.S.C. 77r(a)), and shall have no impact or limitation on other State authority to take

enforcement action with regard to an issuer, funding portal, or any other person or entity using the exemption from registration provided by section 4(6) of that Act.

(2) CLARIFICATION OF STATE JURISDICTION OVER UNLAWFUL CONDUCT OF FUNDING PORTALS AND ISSUERS.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “with respect to fraud or deceit, or unlawful conduct by a broker or dealer, in connection with securities or securities transactions.” and inserting the following: “, in connection with securities or securities transactions

“(A) with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker or dealer; and

“(B) in connection to a transaction described under section 4(6), with respect to—

“(i) fraud or deceit; or

“(ii) unlawful conduct by a broker, dealer, funding portal, or issuer.”.

(c) NOTICE FILINGS PERMITTED.—Section 18(c)(2) of the Securities Act of 1933 (15 U.S.C. 77r(c)(2)) is amended by adding at the end the following:

“(F) FEES NOT PERMITTED ON CROWDFUNDED SECURITIES.—Notwithstanding subparagraphs (A), (B), and (C), no filing or fee may be required with respect to any security that is a covered security pursuant to subsection (b)(4)(B), or will be such a covered security upon completion of the transaction, except for the securities commission (or any agency or office performing like functions) of the State of the principal place of business of the issuer, or any State in which purchasers of 50 percent or greater of the aggregate amount of the issue are residents, provided that for purposes of this subparagraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(d) FUNDING PORTALS.—

(1) STATE EXEMPTIONS AND OVERSIGHT.—Section 15(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78o(i)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

“(2) FUNDING PORTALS.—

“(A) LIMITATION ON STATE LAWS.—Except as provided in subparagraph (B), no State or political subdivision thereof may enforce any law, rule, regulation, or other administrative action against a registered funding portal with respect to its business as such.

“(B) EXAMINATION AND ENFORCEMENT AUTHORITY.—Subparagraph (A) does not apply with respect to the examination and enforcement of any law, rule, regulation, or administrative action of a State or political subdivision thereof in which the principal place of business of a registered funding portal is located, provided that such law, rule, regulation, or administrative action is not in addition to or different from the requirements for registered funding portals established by the Commission.

“(C) DEFINITION.—For purposes of this paragraph, the term ‘State’ includes the District of Columbia and the territories of the United States.”.

(2) STATE FRAUD AUTHORITY.—Section 18(c)(1) of the Securities Act of 1933 (15 U.S.C. 77r(c)(1)) is amended by striking “or dealer” and inserting “, dealer, or funding portal”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentleman from Connecticut (Mr. HIMES) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama.

#### GENERAL LEAVE

Mr. BACHUS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to re-

wise and extend their remarks and to add any extraneous material on this bill.

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

There was no objection.

□ 1230

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

I rise in strong support of the JOBS Act and urge the House to approve this bill today so that we can send it to the President for his immediate signature. The President has indicated that he strongly supports the legislation.

The JOBS Act is a victory for unemployed Americans who are literally crying out for more jobs. It is a victory for small companies and for entrepreneurs who want Washington to reduce the red tape that stifles innovation, economic growth, and job creation. The JOBS Act will do exactly what its title says, jump-start our economy by creating new job opportunities for America’s start-up companies and small businesses. And I would like to introduce into the RECORD some statistics on the number of jobs created by new companies.

As chairman of the Financial Services Committee, I am proud that the JOBS Act is comprised of six pieces of legislation that originated in our committee and received overwhelming bipartisan support. In fact, managing this bill for the minority is the gentleman from Connecticut, who was the sponsor of one of those six bills; and I commend Mr. HIMES for his work on all of these bills. The JOBS Act is proof that Republicans and Democrats can come together to find common ground, work together, and offer legislation that will help small businesses. Small businesses are the growth engine of our economy.

A study between 1985 and 2005 found that 96 percent of the jobs created at new companies are created within 5 years of an IPO, and this will give those companies who want to offer an IPO the opportunity to do so at a much reduced cost.

Nearly 65 percent of new jobs traditionally are created by small businesses. Now, that’s not the case in this economic recovery. Almost all the job growth has come from large corporations, which is really the opposite of what you normally see. Small businesses have not been created and have not been growing as they should, and there are two reasons for that: one is regulation. These regulations are costly; they’re time consuming; and they’re simply inhibiting the growth of small businesses. The second reason is a lack of capital.

Now, there are two ways traditionally to raise capital. One is to go to a bank, a lending institution, and ask for a loan. Well, because of tighter lending standards, these new companies don’t have a track record, so they don’t have

a record of generating profits. Many of them are offering new services, new products that have not really found a market or have a small market. And there is a risk involved. So when banks turn those companies down, the other path is for someone to invest in those companies; and that is exactly what that bill does. It offers those companies an opportunity to receive investments, capital investments from individuals who want to participate not only in the risk but in the reward.

With the JOBS Act, start-up companies—like those at the Innovation Depot in Birmingham, Alabama, where there are several start-up companies with new products, new services—the JOBS Act will allow those companies and companies throughout the United States, people with new ideas, new services, new products, like a Google of the future or an eBay or an Amazon. Take those companies, they didn't exist 20 years ago. Now they're the fastest-growing companies in America. There are other Googles, there are other eBays, there are other Amazons, there are other Costcos, there are other Chick-fil-A's that are just waiting to come to market.

And for that reason, I want to commend the Senate, and I want to thank the sponsors of this legislation. Finally, I want to salute this House for coming together when it counted to address the lack of growth in jobs in our small businesses.

There are some signs that hiring is coming back at larger companies, but not at our small businesses and startup companies. There are 2 main reasons for that. The first is regulation—which has a bigger impact on small companies than large companies. The second is capital—it is harder for business startups to get traditional bank financing so they have to rely more on investors and capital markets for financing. The JOBS Act will make it easier for them to access capital, locate investors and go public.

This bill is designed specially to help the type of small business startups and emerging growth companies that you find at places like the Innovation Depot.

We know that small business is the growth engine of our economy. Nearly 65 percent of all new jobs created over the last 15 years were created by small businesses. Yet today, many small companies find it hard to obtain the investments and the financing they need to expand their operations and create jobs. That's why Congress must cut the red tape that prevent many startup companies from raising capital and going public. The JOBS Act removes some of the unnecessary and outdated government barriers to capital formation—so entrepreneurs have more freedom to access capital, hire workers and grow their businesses.

We need to do everything we can to ensure that America remains a country of opportunity, where jobs are created and small businesses flourish without being stifled by costly and unnecessary red tape. The JOBS Act will help foster an environment that allows our small businesses, startups and entrepreneurs to raise the capital needed to get job creation going again.

I'm proud that all 6 bills that make up the JOBS Act originated in the Financial Services Committee and that all 6 received overwhelming, strong bipartisan support. It shows that Republicans and Democrats CAN find common ground and work together when it comes to helping America's small businesses.

Companies obtain capital through either borrowing, from places like community banks, or through equity financing.

Equity financing, in which investors purchase ownership stakes in a company in exchange for a share of the company's future profit, allows companies to obtain funds without having to repay specific amounts at particular times.

The tightening of credit has made equity financing all the more important as a means of providing small companies with the capital they need to grow and create jobs.

The JOBS Act will make it easier for small companies to access capital through both the public and private markets, which will facilitate economic growth and job creation. For example:

Title 3 of the bill will allow what is known as "crowdfunding"—which will allow groups of investors to pool money, typically comprised of very small individual contributions, to support an effort such as growing a new company like those that are found at the Innovation Depot. Investments would be limited to an amount equal to or less than the lesser of \$10,000 or 10 percent of the investor's annual income. Before the JOBS Act, the SEC had outdated regulations that prohibited this type of investment.

Title 1 of the JOBS Act will provide smaller to mid-sized private companies with temporary exemptions from several government regulations, who could go public and raise capital needed to expand their business but for the expense associated with complying with them. These companies will have up to a five year timeframe to be on an "On Ramp" to comply with certain regulatory requirements (Section 404(b) of Sarbanes-Oxley or 953(b) of the Dodd-Frank Act). This "On-Ramp" status is designed to be temporary and transitional, encouraging small companies to go public but ensuring they transition to full compliance over time or as they grow large enough to have the resources to sustain the type of compliance infrastructure associated with more mature enterprises. A task force put together to study how to help smaller companies found that from 1980 to 2005, firms less than 5 years old accounted for all net U.S. job growth. On average, 92 percent of a company's job growth occurs after an "initial public offering" (IPO). Since 2006, companies have reported an average of 86 percent job growth since IPO.

Titles 5 and 6 of the JOBS Act would allow private companies and community banks to increase the number of shareholders they have before they are forced to register with the SEC. This will save these companies regulatory compliance costs from regulations that are generally intended for large companies and instead give small companies and banks more readily available capital to hire new employees and lend to local businesses to expand.

I reserve the balance of my time.

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

Madam Speaker, I am thrilled to be participating in the management of

this debate today and want to start by thanking Chairman BACHUS and thanking my friends on the other side of the aisle for the bipartisan and collaborative spirit with which we moved this legislation.

This is important legislation, but the process by which it moved, I think, is something that we should celebrate. This is a time, of course, when the American people are none too happy with us; but this bill was done collaboratively with the support of the President of the United States, the majority and the minority in the House; and it will be good for our economy. So I thank the chairman for his leadership on this, the ranking member, and all who participated in the creation of this important legislation.

As the chairman said, this is good stuff. It has received the support of entrepreneurs, of industry associations, and of people on both sides of the aisle because it does something very, very important, which is acknowledge that regulation is always a balance. It's not always good; it's not always bad. And one of the duties of legislators and regulators is to make sure that our regulation is finely calibrated to protect us, to protect us from fraud, to protect us from mortgages that blow up, to keep our air clean, to keep our water clean. But if it's done in too ham-handed a fashion, it can compromise the vibrancy that provides so much economic opportunity in this country. Every day this institution should be focused on finding that balance, and that's what this bill is about.

It's been criticized here and there by people who I think are of the mindset that any retreat, any revisiting, any amendment to our current regulatory structure is a bad idea. That can't be the right way to think about this stuff. Regulation, like anything else, has to adapt to change with the times. And what we're doing here is particularly important because we are talking about the regulation of small banks which, let's face it, have a tough time competing against the big banks.

And it's about our start-up and emerging-growth companies that may not have the free cash flow in their first couple of years of existence to completely adopt all of the regulation, the disclosure that we might expect of a multibillion-dollar corporation. We have provided an onramp for entrepreneurs as they gain currency, as they increase their revenues, as they become more of a presence—and frankly, therefore, affect the lives of more people—to gradually work into the full regulatory structures of Sarbanes-Oxley and other regulation. And that's a good thing to do.

Today in Palo Alto, there are companies that might not have made it but for this legislation. In Connecticut and Massachusetts, there are start-up companies for which this legislation is going to make the difference between thriving, as the chairman said—maybe being the next Microsoft or the next

Google—and actually not making it. So I'm very happy that we have, in a bipartisan fashion, put forward this legislation which will be good for economic vibrancy and opportunity in this country. Again, I thank the chairman for his collaborative and thoughtful work on this bill.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT), the chairman of the subcommittee.

Mrs. BIGGERT. I thank the chairman for yielding.

Madam Speaker, the American economy has the capacity and the resilience to overcome almost any obstacle. We've seen it time and time again. In the face of foreign crises, natural disaster, or fiscal adversity, American entrepreneurs and job creators never stop innovating. But to harness that power and the jobs that come with it, we need to clear a path for the start-ups and fledgling businesses that bring new goods and ideas into the marketplace. That's the purpose of H.R. 3606, the Jumpstart Our Business Startups, or JOBS, Act.

□ 1240

This legislation package includes six bipartisan proposals, many of which I cosponsored, to streamline or eliminate the regulatory and legal barriers that prevent emerging businesses from reaching out to investors, accessing capital, and selling shares on the public market. This legislation will make it possible for promising new businesses to go public and access financial opportunities that currently are limited to large corporations, and it eliminates needless costs and delays imposed by the SEC and other regulators.

Madam Speaker, for tens of millions of Americans, including families from my suburban Chicago district, there is no priority more important or urgent than job creation. Over the last few months, unemployment has slowly receded to 8.3 percent nationally and 9.1 percent in Illinois, but Washington must pick up the pace. And that means unleashing the drive and ingenuity of hardworking Americans.

I urge my colleagues to support the JOBS Act and empower American businesses to do what they do best.

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

Mr. BACHUS. I would like to inquire, Madam Speaker, as to how much time remains on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 13½ minutes remaining, and the gentleman from Connecticut has 16½ minutes remaining.

Mr. BACHUS. At this time, Madam Speaker, I yield 2 minutes to another Illinois Congressman, Mr. DOLD.

Mr. DOLD. I certainly want to thank the chairman for yielding. I think it's important, and I'm delighted to be able to speak here on this bipartisan piece of legislation.

Madam Speaker, as part of any jobs agenda, I believe that increased access to capital for small businesses is absolutely critical. That's why I'm a supporter of this bipartisan JOBS Act. When we empower small businesses to grow and expand, we enable them to create jobs and get people back to work.

As a member of the Financial Services Committee, I cosponsored several of the bills that are in this package because they allow small businesses to increase capital formation, spur the growth of small businesses, and pave the way for our small businesses and entrepreneurs to create new jobs.

Two-thirds of all net new jobs, Madam Speaker, are created by small business. We have 29 million small businesses in our Nation. If we can create an environment here in Washington, D.C., that enables half of those businesses to create a single job, think about where we'd be then.

Finding new ways to spur the economy is not a Republican idea or a Democratic priority, but it certainly should be an American priority. As a small business owner, I know that we have to start putting people before politics and progress before partisanship and remain focused on finding solutions for the barriers that stand in the way of entrepreneurs and job creators. I want to encourage my colleagues to support this bipartisan piece of legislation.

Madam Speaker, pieces of this legislation, aspects of this bill passed this House with over 400 votes. We hear a lot about the gridlock that's going on in Washington, D.C. When we can get legislation that passes this body with over 400 votes, that is wildly bipartisan, things that I believe that the American public are asking for us to do: come up with solutions to the problems that they face; to try to stem the 8.3 percent unemployment, which we know is much larger if we count the underemployed and those that have left the workforce.

We certainly need the Senate to act. It's absolutely critical. And I ask my colleagues to support this legislation, find common ground, and move our country forward.

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

Mr. BACHUS. At this time, I yield 2 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), a member of the committee, who sponsored and worked on these bills.

Mr. SCHWEIKERT. I thank the gentleman.

Madam Speaker, I rise in support of the JOBS Act.

Think about this. We literally started over a year ago putting together the pieces of legislation that moved forward with us today. Many of them were bipartisan. Many of them had to go through subcommittee and committee and then back through more hearings and more testimony. A couple of these bills have actually been to this floor

multiple times. It's been well vetted. And I hold a great appreciation, because I've only been here 15 months and this is my first opportunity to actually have a piece of legislation with multiple bills I've sponsored heading on their way to the President, hopefully, after the votes today and tomorrow. And I owe a great thank you to Chairman GARRETT and Committee Chairman SPENCER BACHUS.

But I also want to share a bit of a concern.

Congressman MCHENRY has a really neat portion of this bill. We call it crowdfunding. The Senate has amended that in such a way that I believe it does great damage to the goal of a much more egalitarian, technologically advanced, using-the-Internet way for people to invest, for being able to reach out and gain that capital for very small companies. And I'm hoping I can reach out to my friends and say, Let's fix what the Senate did.

We still should be voting for this bill. This is wonderful. We're making progress. But there are things we have to do to fix this for the future.

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

I thank my friend, Mr. SCHWEIKERT, with whom I've enjoyed working on this legislation and in a spirit of bipartisanship; ultimately a bill that was designed to make it easier for small banks, which Congressman SCHWEIKERT and I worked together.

I would also like to highlight the work of Congressman STEVE WOMACK of Arkansas on that bill. It found its way into this legislation under another Congressman's name, but it is important and good legislation, and I continue to support it and am thrilled that it's part of this.

Madam Speaker, I would just take issue with one thing that my good friend from Arizona said. The crowdfunding provisions in this legislation should be subject to scrutiny and to careful regulatory oversight. When you combine the concept of the Internet and retail investors into one piece of legislation, be careful.

The Senate amendment to the House crowdfunding provisions in fact adds more protection to small investors who might be subject to being fooled by an Internet predator. And I would just say we should be careful.

We should be careful when we are talking about retail investors, the classic widows and orphans out there that are not necessarily financially sophisticated. They are not the big financial players who get labeled accredited investors or institutional investors and who, frankly, have the capability to take care of themselves. Retail investors who might be subject to the temptations of a deal that in fact is too good to be true offered on the Internet ought to be a cause of concern both for this body and for the regulators who ultimately will write the rules around crowdfunding.

With that, I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 1 minute to the chairman of the Subcommittee on Financial Institutions, the gentlelady from West Virginia (Mrs. CAPITO), who also worked very hard on this legislation.

Mrs. CAPITO. I want to thank the chairman. I really want to thank the whole Financial Services Committee for working together on this bill, the JOBS bill, Jumpstart Our Business Startups.

Our unemployment in this country is over 8 percent. We've got to find and make every means available to create jobs and to give those great ideas to be able to grow from small businesses to large businesses. We want to make sure that our entrepreneurs are able to find the funding to be able to grow those seeds of a business that then could flourish and grow.

When we talk about some of the things that have started in this country as start-ups most recently, we might look at something like AOL or something like Apple or even FedEx when Fred Smith wrote that famous paper in business school that I think didn't get a very good grade but now has resulted in our FedEx. If they hadn't been able to find the funding to begin, many of them I think today would say that because of the regulatory structure, because of the inability to find funding, that they wouldn't even be able to get started today and grow to the thousands of jobs that they have.

This has great potential. It's bipartisan. I support the JOBS Act.

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

Mr. BACHUS. Madam Speaker, I would like to again inquire as to the amount of time remaining on our side.

The SPEAKER pro tempore. The gentleman from Alabama has 9 minutes remaining. The gentleman from Connecticut has 14½ minutes remaining.

Mr. BACHUS. I yield 3 minutes to an outstanding freshman on our committee, the gentleman from Tennessee (Mr. FINCHER).

Everyone speaking on our side has worked very hard on these bills or spent a lot of time, as have many of our Democratic colleagues.

□ 1250

Mr. FINCHER. Madam Speaker, I thank the chairman for his leadership and patience in working with us freshmen the last year, year and a half. I'm pleased to be the lead cosponsor of H.R. 3606, the Jumpstart Our Business Startups Act with Congressman JOHN CARNEY from Delaware. This bill has been a bipartisan effort from the beginning, and I want to thank the gentleman from Delaware and his staff, Sam Hodas, for working with us on this bill. I also want to thank the Financial Services Committee staff, Kevin Edgar, Jason Goggins, Walton Liles and Chris Russell, for their efforts on this legislation as well.

Small businesses and entrepreneurs are the backbone of our Nation and our

economy. This bill puts the focus on the private sector, capitalism, and the free market, providing the jump-start our Nation's entrepreneurs and small businesses need to grow and create jobs. This is about certainty and removing government bureaucratic red-tape. Our Nation has seen a decline in small business start-ups over the last few years, which means fewer jobs created for American workers. The best thing our government can do right now to get our economy moving in the right direction is to help create an environment where new ideas and start-up companies have a chance to grow and succeed.

Title I of this bill is legislation I introduced with Congressman CARNEY called the Reopening American Capital Markets to Emerging Growth Companies Act. During the last 15 years, fewer and fewer start-up companies have pursued initial public offerings because of burdensome costs created by a series of one-size-fits-all laws and regulations. This bill would help more small and mid-size companies go public by creating a new category of issuers called "emerging-growth companies" that have less than \$1 billion in annual revenues when they register with the SEC and less than \$700 million in public float after the IPO.

Emerging-growth companies will have as many as 5 years, depending on revenue size, to transition to full compliance with a variety of new regulations that are expensive and burdensome to new companies. This "onramp" status will allow small and mid-size companies the opportunity to save on expensive compliance costs and create the cash needed to successfully grow their businesses and create American jobs.

In addition, this bill would only require emerging-growth companies to provide audited financial statements for the 2 years prior to registration rather than 3 years, saving many companies millions of dollars. It will also make it easier for potential investors to get access to research and company information in advance of an IPO in order to make informed decisions about investing. This is critical for small and medium-size companies trying to raise capital that have less visibility in the marketplace.

I urge my colleagues to support this bill again, send it to the President to sign, and give our small businesses and entrepreneurs the opportunity to create jobs for Americans.

Mr. HIMES. Madam Speaker, I yield myself such time as I may consume and thank my friend from Tennessee for his hard work on this bill of which, as I said in my previous statement, I'm very supportive.

I do want to take the opportunity, though, having heard from the gentleman from Tennessee phrases that we hear all too often—phrases like "one-size-fits-all regulation" and "bound up in redtape"—I do want to take this opportunity to remind the American peo-

ple that those are phrases that sound scary: "regulation," "redtape," and "one size fits all." But what we're talking about here is protection for the American people.

In my previous statement, I made the point that we have to get the balance right; but like everybody else in this Chamber, I woke up a couple of years ago to learn that 11 men were dead on a deep-sea drilling platform in the Gulf of Mexico and an ocean was poisoned, devastating the economy of the gulf. We've all seen what happens when you sell exploding mortgages to people who can't possibly repay them, even though the people who sold those mortgages know that. I come from a district which actually has some of the poorest air quality in the country.

Why do I enumerate these things? Because they are all a failure to regulate to provide a safe and good environment in which we can thrive. Nobody wants to see 11 men die on a deep-sea drilling platform. Nobody wants to see a return to the notion that anybody should buy an interest-only, reverse-amortizing mortgage that the bankers don't understand.

So I said it before, I'll say it again: the balance is key. And I will oppose those who say that more regulation is always the right idea, but I will also stand up, as I have now, and say there is a balance. And the other side needs to recognize that that balance does not come from opposing and labeling "red-tape" and "obstructionism" and "one size fits all."

Mr. BACHUS. Would the gentleman yield?

Mr. HIMES. I yield to my friend from Alabama.

Mr. BACHUS. Let me say this. The gentleman from Connecticut mentioned crowdfunding, and I think that was what gave us more concern than anything else, some of the things he said about the Internet people making an investment being subject to fraud. That is a concern, and the Senate addressed those concerns. I'd like to stress what they amended was a very small part of this bill that dealt with crowdfunding. It is also important to know that all the antifraud protection, we didn't take any of that away. But I think we're getting there. The Senate and the House deliberated with the White House, and we will continue to look at crowdfunding. We'll see how this goes.

With any investment, particularly a new company, a new venture, there is a certain amount of risk. You can't take the risk out. If you take the risk out, you take the reward. But what the gentleman says I fully appreciate, and I think that's where our committee has come together, and we tried to get it right for the good of the Americans in creating these new jobs. So I appreciate the opportunity and thank you for yielding.

Mr. HIMES. Thank you, Mr. Chairman. I reserve the balance of my time.

Mr. BACHUS. At this time, I yield 4 minutes to the gentleman from North

Carolina (Mr. MCHENRY). Again, this is a bill that several Members worked very hard on, and he is very knowledgeable on these bills.

Mr. MCHENRY. I thank the chairman, and I appreciate the opportunity to address the crowdfunding section of this bill.

One year ago, Oversight Chairman DARRELL ISSA sent a letter with 33 questions to the Securities and Exchange Commission asking them to justify outdated securities laws that restrict capital formation and stunted job growth. It was a letter that really challenged the Commission's complacency and asked them about these 80-year-old regulations that were modern at the time where the new invention was the telephone and asked them if they had ways to update them.

One question specifically asked Chairman Schapiro if she had considered creating an exemption to enable everyday investors to invest, with reasonable limitations, in unregistered securities issued by start-ups. This is known as "crowdfunding."

At the time, I was only familiar with crowdfunding—which is a hybrid of microfinance and crowdsourcing—as a charitable method. It's done around the world, with billions of dollars of moneys raised. For example, a local brewery in my home State of North Carolina was able to raise \$44,000 on a platform called Kickstarter. Now, that's done on the charitable side; but with crowdfunding, the success we see on the charitable side can be brought over on the investor side, on the equity side, of capital raising. We recognized the consequences of Dodd-Frank that limit the ability to get lending through traditional means and as a way to promote small business capital formation. Crowdfunding relieves part of that pressure.

In September of last year, after countless meetings, conferences, congressional hearings, and bipartisan negotiation, I introduced the Entrepreneur Access to Capital Act. The bill was simple and direct. It offered a means of capital formation that would forgo costly SEC and State registration if issuers and investors operated within reasonable limitations. Most importantly, the foundation of the legislation upheld investor protections by empowering regulators to prosecute those who participated in securities fraud or deceit. That is preserved.

In the Entrepreneur Access to Capital Act, our focus was on market innovation and investor protection to attract both political parties and well-known market participants to the table. As a result of that bipartisan bill, we had over 400 Members on this floor vote for that bill, the President said he would sign that bill, and we sent it over to the Senate with thousands of market participants saying it was good.

This year, that same language was included as a provision within this legislation, the JOBS Act. Regrettably,

just before the House-passed version of the JOBS Act received an up-or-down vote on the Senate floor, a handful of Senators misunderstood the spirit and the promise of crowdfunding, resulting in last-minute changes to the bill.

Our essential framework is preserved for crowdfunding. Rather than recognizing that crowdfunding could create new markets and opportunities for small businesses and start-ups, these misguided Senators simply saw crowdfunding as unregulated activities. This misperception caused them to design a crowdfunding title that is riddled with burdens on issuers, investors, and intermediaries and limits general solicitation and enhances SEC rule-making authority.

□ 1300

But, fortunately, as I said, the basic architecture of the Entrepreneur Access to Capital Act, crowdfunding, that bipartisan measure that we took through committee markup and House floor action, is preserved. Although I'm disappointed by the ill-conceived and burdensome changes within the crowdfunding title of this bill, I stand committed to working across the aisle to make sure that we fix this after the President signs it. That's what we intend to do.

I urge my colleagues to vote for this bill and move forward.

Mr. HIMES. Madam Speaker, I yield myself 1 minute.

I salute Mr. MCHENRY, my friend from North Carolina, for his work on this bill.

I think it's probably worth talking a bit more about crowdfunding. I appreciate the chairman's point of view, but let's be clear here that we are talking about marketing done at retail investors, up to \$10,000 more.

Mr. MCHENRY called the Senate activity ill-conceived and burdensome. We are at the nexus here of potentially unsophisticated investors and people who see an opportunity.

I would remind Mr. MCHENRY in citing a charitable background for this bill, when you give to a charity, you know you're not getting your money back. When you invest in a company, you hope you're getting your money back. And we should be vigilant that that, in fact, occurs.

With that, I reserve the balance of my time.

Mr. BACHUS. Madam Speaker, we have the right to close. So I would ask the gentleman from Connecticut to proceed. Could I inquire as to time.

The SPEAKER pro tempore. The gentleman from Alabama has 2 minutes remaining, and the gentleman from Connecticut has 10 minutes remaining.

Mr. HIMES. Madam Speaker, in closing, let me again reiterate my thanks to Chairman BACHUS and to all of the members of the Financial Services Committee who worked hard on this bill.

I think we've had a lot of good debate around very real and important issues.

Unusual for this institution is that we've actually managed to keep the ideology and the barbs out of it. I'm very appreciative of that, and I know that the American people are as well.

I appreciate coming, as I do, from a district and a State that will rise or fall on our ability to innovate, to grow small businesses into real world leaders, and to have a financial services sector which is vibrant and innovative, but safe.

I very much appreciate the intent of this legislation. We had good support from both sides of the aisle. The President is supportive. We heard from industry associations that this was a good thing.

With that, I encourage all of the Members of this body to support this legislation.

I thank again the chairman and the ranking member of the committee and yield back the balance of my time.

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

Let me say this: during this debate, we focused on crowdfunding, but I think we're all in agreement that this bill is a great improvement, and we will revisit that. That shouldn't distract from the fact that this is a major piece of legislation that will cause, I think, a great deal of new competition, innovation of new products and services.

In my revised remarks, which I intend to submit in the next week, I will highlight biomedical research, which we think has the potential to address some diseases that are rare diseases or degenerative conditions which would really receive a boost from this.

So I commend all of our Members. We've come together here, and we've accomplished great things, along with the Senate, the House, and the administration.

I yield to the gentlelady from Illinois.

Mrs. BIGGERT. Madam Speaker, the proposals contained in the JOBS Act are not political or partisan, as has been mentioned. It comes from the small business community in districts like mine where I meet regularly with local employers who tell me that accessing capital is the hardest part of enduring the current recession.

Many of these changes in this bill have bipartisan backing and have been endorsed by members of the President's Council on Jobs and Economic Competitiveness.

Today's legislation will enable America's start-up companies—the job engines of our economy—to access the equity markets, not just the debt market. This is a bill that will give investors and emerging growing companies—perhaps a future Google, Apple, or Home Depot—the opportunity to reach investors, cut through the red tape, and overcome the financial barriers to success.

I ask my colleagues on both sides of the aisle to support the bill.



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

Mr. NADLER. Madam Speaker, I rise in opposition to the Motion to Concur with the Senate Amendment to H.R. 3606, the Jumpstart Our Business Startups, JOBS, Act.

Many of us agree with the general principle that we should modernize the financial system to help small businesses raise capital, attract investors, and contribute to our economic recovery. However, this must be done in a balanced way that also protects those investors and the public interest. I had hoped that the Senate would have an opportunity to bolster the bill with key consumer- and investor-rights provisions—provisions that had no chance of passage in this House. While the Senate certainly strengthened the proposal, the Senate Amendment to H.R. 3606 does not go far enough to ensure that investors will be protected from unscrupulous actors.

Since the bill was introduced, numerous experts and organizations, including the current and former chairmen of the Securities and Exchange Commission, Americans for Financial Reform, AARP, and the Consumer Federation of America, have raised significant concerns about this legislation. According to the New York Times, many fear the bill will allow companies to raise money without having to follow rules on disclosure, accounting, auditing and other regulatory mainstays. The deregulation measures in this bill could actually raise the cost of capital by harming investors and impairing markets, making it harder for legitimate companies to thrive. In addition, the bill will allow certain companies to ignore, for the first five years that they are public, certain regulations, such as the requirement to hire an independent outside auditor to attest to a company's internal financial controls. Also, recent experience clearly shows that arguments that the market will have sufficient incentive to police itself have led to disaster in the recent past and cannot be relied upon in the future. We should have all learned a lesson when it comes to hasty deregulation of financial markets. Even if there is a short term gain to be had, the long term consequences can be quite costly.

In light of the fact that the Senate has not been able to add adequate consumer and investor protections, and the growing information about the potential long-term harm of these provisions, I must vote "No."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3606.

The question was taken.

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

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

The yeas and nays were ordered.

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

#### REQUESTING RETURN OF OFFICIAL PAPERS ON H.R. 5

Mr. WEBSTER. Madam Speaker, I send to the desk a privileged resolution

and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 596

*Resolved*, That the Clerk of the House of Representatives request the Senate to return to the House the bill (H.R. 5) entitled "An Act to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system."

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

Mr. WEBSTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 595 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 595

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without inter-

vening motion except one motion to recommend with or without instructions.

SEC. 2. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period from March 29, 2012, through April 16, 2012, as though under clause 8(a) of rule I.

□ 1310

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

Mr. WEBSTER. For the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. WEBSTER. Madam Speaker, I rise today in support of this rule and the underlying bill. House Resolution 595 provides for a structured rule for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act of 2012.

The rule makes 10 of the 11 amendments submitted to the committee in order. Of these, eight are Democrat-sponsored amendments and two are Republican-sponsored amendments.

As noted by the subcommittee ranking member, Ms. ESHOO, during the Rules Committee meeting on this last night, H.R. 3309 has come to the floor under regular order. The Energy and Commerce Subcommittee on Communications and Technology held an oversight hearing and subsequently a legislative hearing on Federal Communications Commission process reform.

The subcommittee then circulated a discussion draft before holding an open markup and favorably reporting the bill to the full committee on November 16, 2011. On March 6, 2012, the full committee ordered the bill favorably reported to the House.

In 2010, the communications and technology industry invested \$66 billion to deploy broadband infrastructure, \$3 billion more than in 2009. New products and services are innovated by this sector on an almost daily basis. With the innovation come high-quality jobs and marked improvements for every American's quality of life.

As a result, all efforts should be made to avoid stalling this important economic engine. The FCC should strive to be the most open and transparent agency in the Federal Government, and any intervention into the marketplace should be the result of rigorous analysis demonstrating the need for government regulation.

The Federal Communications Commission Process Reform Act would change the process the FCC must follow in issuing regulations and limit the

agency's ability to set conditions on transactions relating to corporate mergers and acquisitions.

The legislation would require the FCC to be more transparent and methodical in determining whether to intervene in the communications marketplace in dealing with customers and regulated parties, and in reviewing transactions.

Customers, small businesses, and outside-the-beltway stakeholders, in particular, do not have the regulatory lawyers needed for rush review of proceedings. The only way to get their input is to give them time to provide feedback on well-delineated proposals.

Before it starts intervening, the FCC should make sure it has a full understanding of the state of competition and current technologies. By requiring the FCC to be more transparent, to find a market failure before proposing regulations, and to conduct cost-benefit analyses before adopting rules, H.R. 3309 helps promote jobs, investment, and innovation in one of the few sectors still firing on all cylinders in this economy.

In particular, the bill prohibits the FCC from coercing parties to accept concessions, such as network neutrality obligations, as a condition of approving their mergers. Such conditions are typically unrelated to the specifics of the transaction and involve requirements the FCC otherwise lacks the policy justification or legal authority to impose. They also chill transactions that might otherwise advance the economy, and impose unnecessary costs on businesses.

The bill requires the FCC to survey the marketplace through a notice of inquiry before proposing new rules that would increase costs for customers and businesses; to establish the specific text of proposed rules before their consideration so the public and industry know what is being considered and have adequate information to provide input, much as House leadership has adopted in the layover requirement for the bills that we now hear on the floor; to identify a market failure or customer harm and conduct a cost-effective analysis before adopting economically significant rules that cost more than \$100 million; to set the shot clock and schedules for issuing decisions and to report to Congress on how well it is abiding by them so the public and industry know when issues will be resolved; and to create performance measures to evaluate the effectiveness or ineffectiveness of a program that costs more than \$100 million.

These proposed process reforms are not radical, nor are they an attempt to cripple the FCC, as some opponents of the legislation have claimed. Instead, this legislation seeks to pull back the curtain on bureaucratic regulation of a sector of our economy that has provided high-tech innovation and investment, and the high-quality jobs that come with it, despite the economic downturn.

So, once again, Madam Speaker, I rise in support of the rule and the underlying legislation. I encourage my colleagues to vote "yes" on the rule and "yes" on the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I thank my good friend from Florida for yielding the time to me, and I yield myself such time as I may consume.

Madam Speaker, this rule provides for consideration of H.R. 3309, the Federal Communications Commission Process Reform Act. There may be beneficial provisions in the underlying legislation to make the FCC's processes more transparent and more efficient.

I do suggest that the FCC has made great strides in this regard under the leadership of Chairman Genachowski, and certainly more can be done. But the fact remains that my friends on the other side of the aisle have squandered important opportunities in this process to walk the walk and talk the talk.

Now, last night an amendment was offered by my good friend and colleague, Congresswoman ANNA ESHOO, to require FCC disclosure of spending on political advertisements, which was opposed in committee but made in order to go forward today.

Recent Supreme Court rulings, especially the Citizens United case, have opened the door for unlimited spending by wealthy entities aiming to influence the electoral process. These individuals, organizations, and corporations have the financial resources to reach millions of Americans through cable, broadcast television, the radio, and other media.

Unfortunately, Americans do not yet have the right to know who is paying for these efforts. Under current law, Americans have no way of knowing whether an advertisement urging them to vote for a certain candidate or support certain legislation is being done at the behest of someone who stands to make a lot of money from that candidate or the bill.

That's no way to run a country. That's no way to hold an election. And that's no way to run a government.

Since Citizens United, our government is less like a democracy and more like a mystery. I firmly support the Eshoo amendment and ask all of our colleagues to do so. It aims to provide some clues by requiring the disclosure of any individual or corporation that contributes \$10,000 or more for the purpose of airing political programming in an election cycle.

□ 1320

This amendment is modeled after the DISCLOSE Act, sponsored by my friend and colleague, Congressman CHRIS VAN HOLLEN, of which I am a proud cosponsor. Both these measures educate voters by disclosing who is donating money to influence the electoral process. It is as simple as that: transparency, accountability, and democracy.

Yet some of my Republican colleague friends continue to be baffled as to why the American people will want to know who is trying to influence them. Last night in the Rules Committee, my good friend from Georgia (Mr. WOODALL) was indicating his motions regarding this; and I said to him what I say to all of our colleagues and to all Americans, that the day somebody shows up with \$500, you would be interested to know, if they are opposed to you, who they are.

So the question remains: Why do some Republicans oppose these efforts now?

Madam Speaker, we know full well about some of the biases that some Republicans have in favor of the wealthiest Americans. When they're not trying to eviscerate social safety net programs—as I suggested in the Rules Committee, and in 40 minutes we will be taking up the proposed budget that does just that—to make room for tax cuts for the well off in our society, it appears that Republicans are eager to allow the richest Americans to hijack the electoral process. Because that is what is about to happen, and it is and will be a hijacking.

When vast sums of money are used to influence the democratic process, the voices of those who do not have such resources get drowned out. When that influence is allowed to remain in the shadows, suddenly we find that the wealthiest interests in this country are the ones driving the bus, the train, the plane, and the rest of us do not know where the stops are.

This amendment, along with the DISCLOSE Act and similar efforts, aims to provide Americans with the basics of who is spending how much on what. It does not impose any new obligations on broadcasters or providers; it does not hold broadcasters or providers liable for inaccurate information; and it does not take action with respect to posting this information online. This is a simple disclosure requirement. It benefits all Americans. It is good for our democracy.

Quite frankly, I think that a commendable thing occurs when many of the amendments are made in order. In this particular instance, I'm especially pleased that my colleagues made the Eshoo amendment in order.

I reserve the balance of my time.

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

Mr. HASTINGS of Florida. Madam Speaker, I'm very pleased to yield 2 minutes to my good friend, the distinguished gentleman from Oregon (Mr. DEFazio).

Mr. DEFazio. I thank the gentleman for yielding.

I rise to urge Members to vote against the previous question.

Now, why would we do that?

Because we need to invest in America's crumbling infrastructure, and the Republicans are totally incapable of producing a transportation bill.

Here's a little bit of review of history.

February 8, 2011, Chairman MICA: We will have a bill by August.

Then we skip forward a little bit, August, Chairman MICA: I will agree to one additional highway program extension—meaning they didn't get the bill done by August.

Then we fast-forward to November, Speaker BOEHNER: House to pass highway bill this year.

That was, of course, November 2011. It's 2012. Now the Republicans are saying they need another 90 days to get agreement in their own caucus. They're never going to get agreement. There are 80 Members of the Republican caucus who believe that there is no Federal interest—get this—no Federal interest in the national transportation system. It should devolve to the 50 States, back to the good ol' days when Kansas built the turnpike and Oklahoma didn't, and the cars were launched off the end of the turnpike into a farmer's field for another 5 years until Kansas finally got around to it. Let's go back to those good old days.

They also say they don't want to create jobs. This won't create jobs, the Speaker has said. Well, guess what? Transportation investment is the best way to create made-in-America jobs: transit equipment made in America, steel made in America, construction jobs by Americans for Americans for our future. They can't get it done. No more 90-day extensions or whatever they're dithering around now. They've got the throttle on the floor and they're spinning doughnuts, but they've run out of gas.

So it's time to act. What we need to do is defeat the previous question, bring up the bipartisan, Senate-passed transportation bill, which half of the Republican Senators—some of the members of the Flat Earth Society even voted for. Bring that bill up here—we can get the votes on this side of the aisle—and pass it and put Americans back to work.

Mr. WEBSTER. Madam Speaker, I'd like to inquire if the gentleman from Florida has any more speakers because I am prepared to close.

Mr. HASTINGS of Florida. I appreciate my colleague for asking. I was hoping that Mr. BISHOP from New York would be here, but in light of the fact that he is not, I'm prepared to close.

Madam Speaker, I yield myself such time as I may consume. If Mr. BISHOP does arrive, then perhaps I would use some of my time to yield to him.

We all know that this legislation is never going to pass the Senate, and so this exercise remains just that, an exercise.

Republicans claim to be in favor of reducing the size of government, but this bill will require the FCC to hire 20 additional staff at a cost of \$26 million over 5 years just to handle all the additional work created.

Rather than focus on stimulating the economy, funding infrastructure investments, and improving our democracy, my friends on the other side in-

sist on devoting time and energy in a pursuit that is never going to go beyond this Chamber.

Rather than support transparency and our democratic process, my friends on the other side want to shield the best off in our society and corporations from having to disclose their financial influence on the political process. And rather than work with Democrats to craft comprehensive, bipartisan legislation that can pass the House and Senate, Republicans would rather see their partisan bills die than allow a compromise measure to live. I would say that I'm appalled, Madam Speaker, but this kind of thing seems to happen all the time around here.

Madam Speaker, if we defeat the previous question, I will offer an amendment to the rule to provide that, immediately after the House adopts this rule, it will bring up H.R. 14, the House companion to the bipartisan Senate transportation bill and to discuss our proposal, but before that, I yield 3 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. I thank Mr. HASTINGS for yielding, and I apologize for my tardy arrival on the floor.

As Yogi Berra once said, it's déjà vu all over again. Here we are a week later and we still have not addressed the imminent expiration of our highway programs.

As we witnessed with the implosion of H.R. 7 six weeks ago, we once again saw last night the inevitable result of the Republican mantra: My way or the highway. Last night, House Republicans were forced to remove from floor consideration their short-term extension bill, in part because they absolutely refused to reach out to their Democratic colleagues to get anything done. Meanwhile, I have sponsored the Senate bill, MAP-21—now called H.R. 14 here in the House—a bipartisan path forward that makes meaningful reforms and provides certainty to States.

I'm proud to be offering this bipartisan legislation to refocus the discussion on jobs and economic opportunities rather than the Republican message this week of tearing down Medicare and protecting the 1 percent at the expense of middle class families.

□ 1330

As of today, House Republicans have yet to put forward a credible highway reauthorization that puts Americans back to work. Their only attempt, H.R. 7, which is the Boehner-Mica authorization, was called the worst highway bill ever by United States Department of Transportation Secretary LaHood, who is a former Republican Member of this body. It was drafted in the dark of night without Democratic input. It removed transit, the transit guarantee, from the highway trust fund, and it couldn't attract a single Democratic vote nor even a majority of Republican votes.

MAP-21 passed overwhelmingly in the Senate with a bipartisan majority,

and it is fully paid for—something House Republicans seem unable to come close to. MAP-21 pay-fors are less controversial than the House Republican bill. The Senate has estimated that MAP-21 will save 1.8 million jobs and will create up to 1 million more jobs. During a weak economic recovery that's looking for a jump-start, this is the kind of bill we need to be passing and passing as quickly as we possibly can.

Is MAP-21 the silver bullet to our surface transportation needs? No, but there is no silver bullet when it comes to our infrastructure needs.

We all would prefer a 5-year bill, but we need to get a bill passed. MAP-21, H.R. 14, is the path forward. I would urge my Republican colleagues to bring that bill to the floor so that we can vote for it in a bipartisan fashion and send it to the President.

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

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

There was no objection.

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

Mr. WEBSTER. I yield myself the balance of my time, and will get back to the issue at hand.

This is not necessarily a highway bill, but it does talk about a highway, one which is much faster than the ones we drive on. It is hard to imagine a world without a high-speed wireless Internet service. It is hard to imagine staffers walking down the hallways without some sort of wireless devices that they're communicating with others on, and usually their hands are glued to them.

Communications and technology innovations over the past several years have made us a more connected world. In some instances, the new global connectedness has brought us even closer together, allowing us to share in similarities and differences between our peers in distant cultures. It has given us a chance to marvel at the world's best athletes on the grandest stages, and in some cases it has exposed the atrocities of war, intolerance, and disregard for human life. We want our innovations to continue and our inventors to keep inventing. In the communications and technology fields they have, and they continue to amaze us with new breakthroughs every day.

This bill simply pulls back the curtain on the FCC, the agency charged with regulating the communications sector. It asks them to institute commonsense reforms to better keep the public informed on their actions. It requires the Commission to rigorously

examine the marketplace before intervening; to give increased time for public input and comment; and to increase transparency while approving new rules and amendments. These process reforms are simply good government, and they should be embraced in a non-partisan fashion.

I ask my colleagues to join me today in voting in favor of this rule and the underlying bill.

The material previously referred to by Mr. HASTINGS of Florida is as follows:

AN AMENDMENT TO H. RES. 595 OFFERED BY  
MR. HASTINGS OF FLORIDA

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

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of a bill consisting of the text of the bill (H.R. 14) to reauthorize Federal-aid highway and highway safety construction programs, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in section 3 of this resolution.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition"

in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

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

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

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

Mr. WEBSTER. I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. HASTINGS of Florida. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 595, if ordered; suspension of the rules with regard to H.R. 3606; and suspension of the rules with regard to H.R. 3298, if ordered.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 130]

YEAS—236

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

NAYS—182

Ackerman	Boren	Chu
Altmire	Boswell	Cicilline
Andrews	Brady (PA)	Clarke (MI)
Baca	Braleigh (IA)	Clarke (NY)
Baldwin	Brown (FL)	Clay
Barrow	Butterfield	Cleaver
Bass (CA)	Capps	Clyburn
Becerra	Capuano	Cohen
Berkley	Cardoza	Connolly (VA)
Berman	Carnahan	Conyers
Bishop (GA)	Carney	Cooper
Bishop (NY)	Carson (IN)	Costa
Blumenauer	Castor (FL)	Costello
Bonamici	Chandler	Courtney

Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.

Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley

Rahall  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Waxman  
Welch  
Woolsey  
Yarmuth

NOT VOTING—13

Akin  
Engel  
Flores  
Jackson (IL)  
Landry

Lewis (GA)  
Mack  
Marchant  
Neal  
Rangel

Watt  
Wilson (FL)  
Woodall

□ 1401

Messrs. SCHRADER, SARBANES, SIREs, CHANDLER, Ms. LORETTA SANCHEZ of California, Messrs. BLUMENAUER, HONDA, and KEATING changed their vote from “yea” to “nay.”

Mr. POSEY changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Ms. WILSON of Florida. Madam Speaker, on rollcall No. 130, had I been present, I would have voted “nay.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. COFFMAN of Colorado). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

PROVIDING FOR CONSIDERATION OF H.R. 3309, FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

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

There was no objection.

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 242, noes 177, not voting 12, as follows:

[Roll No. 131]

AYES—242

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Cansaco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake

Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Haworth  
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  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luettkemeyer

Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (CT)  
Murphy (PA)  
Murry  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling

Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland

Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)

NOES—177

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Cardoza  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Filner

Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Nadler  
Napolitano

Oliver  
Owens  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rahall  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
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  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

NOT VOTING—12

Akin  
Blumenauer  
Engel  
Flores

Gohmert  
Jackson (IL)  
Landry  
Lewis (GA)

Mack  
Marchant  
Neal  
Rangel

□ 1410

So the resolution was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

JUMPSTART OUR BUSINESS STARTUPS ACT

The SPEAKER pro tempore (Mr. CHAFFETZ). The unfinished business is

the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 3606) to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 41, not voting 10, as follows:

[Roll No. 132]

YEAS—380

Ackerman	Cole	Gutierrez
Adams	Conaway	Hahn
Aderholt	Connolly (VA)	Hahn
Alexander	Conyers	Hanabusa
Altmire	Cooper	Hanna
Amash	Costa	Harper
Amodel	Costello	Harris
Andrews	Courtney	Hartzler
Austria	Cravaack	Hastings (FL)
Baca	Crawford	Hastings (WA)
Bachmann	Crenshaw	Hayworth
Bachus	Critz	Heck
Baldwin	Crowley	Heinrich
Barletta	Cuellar	Hensarling
Barrow	Culberson	Herger
Bartlett	Davis (CA)	Herrera Beutler
Barton (TX)	Davis (IL)	Higgins
Bass (CA)	Davis (KY)	Himes
Bass (NH)	DeFazio	Hinojosa
Benishek	DeGette	Hirono
Berg	DeLauro	Hochul
Berkley	Denham	Honda
Biggert	Dent	Hoyer
Bilbray	DesJarlais	Huelskamp
Bilirakis	Dicks	Huizenga (MI)
Bishop (GA)	Doggett	Hultgren
Bishop (NY)	Dold	Hunter
Bishop (UT)	Donnelly (IN)	Hurt
Black	Dreier	Israel
Blackburn	Duffy	Issa
Blumenauer	Duncan (SC)	Jackson Lee
Bonamici	Duncan (TN)	(TX)
Bonner	Ellison	Jenkins
Bono Mack	Ellmers	Johnson (IL)
Boren	Emerson	Johnson (OH)
Boswell	Eshoo	Johnson, Sam
Boustany	Farenthold	Jones
Brady (TX)	Farr	Jordan
Braley (IA)	Fattah	Kaptur
Brooks	Fincher	Keating
Brown (GA)	Fitzpatrick	Kelly
Brown (FL)	Flake	Kind
Buchanan	Fleischmann	King (IA)
Bucshon	Fleming	King (NY)
Buerkle	Forbes	Kingston
Burgess	Fortenberry	Kinzinger (IL)
Burton (IN)	Fox	Kissell
Butterfield	Frank (MA)	Kline
Calvert	Franks (AZ)	Labrador
Camp	Frelinghuysen	Lamborn
Campbell	Galleghy	Lance
Canseco	Garamendi	Langevin
Cantor	Gardner	Lankford
Capito	Garrett	Larsen (WA)
Capps	Gerlach	Larson (CT)
Cardoza	Gibbs	Latham
Carnahan	Gibson	LaTourette
Carney	Gingrey (GA)	Latta
Carson (IN)	Gohmert	Levin
Carter	Gonzalez	Lewis (CA)
Cassidy	Goodlatte	Lewis (GA)
Castor (FL)	Gosar	Lipinski
Chabot	Gowdy	LoBiondo
Chaffetz	Granger	Loebsack
Chandler	Graves (GA)	Lofgren, Zoe
Chu	Graves (MO)	Long
Cicilline	Green, Al	Lowe
Clarke (MI)	Griffin (AR)	Lucas
Cleaver	Griffith (VA)	Luetkemeyer
Clyburn	Grimm	Lujan
Coble	Guinta	Lummis
Coffman (CO)	Guthrie	

Lungren, Daniel	Polis	Shimkus
E.	Pompeo	Shuler
Lynch	Posey	Shuster
Maloney	Price (GA)	Simpson
Manzullo	Price (NC)	Sires
Marino	Quayle	Slaughter
Matheson	Quigley	Smith (NE)
Matsui	Rahall	Smith (NJ)
McCarthy (CA)	Reed	Smith (TX)
McCarthy (NY)	Rehberg	Smith (WA)
McCaul	Reichert	Southerland
McClintock	Renacci	Speier
McCotter	Reyes	Stearns
McGovern	Ribble	Stivers
McHenry	Richardson	Stutzman
McIntyre	Richmond	Sullivan
McKeon	Rigell	Sutton
McKinley	Rivera	Terry
McMorris	Roby	Thompson (CA)
Rodgers	Roe (TN)	Thompson (MS)
McNerney	Rogers (AL)	Thompson (PA)
Meehan	Rogers (KY)	Thornberry
Meeks	Rogers (MI)	Tiberi
Mica	Rohrabacher	Tipton
Michaud	Rokita	Tonko
Miller (FL)	Rooney	Towns
Miller (MI)	Ros-Lehtinen	Tsongas
Miller (NC)	Roskam	Turner (NY)
Miller, Gary	Ross (AR)	Turner (OH)
Moore	Ross (FL)	Upton
Moran	Rothman (NJ)	Van Hollen
Mulvaney	Roybal-Allard	Velázquez
Murphy (CT)	Royce	Walberg
Murphy (PA)	Runyan	Walden
Myrick	Ruppersberger	Walsh (IL)
Neugebauer	Rush	Walz (MN)
Noem	Ryan (OH)	Wasserman
Nugent	Ryan (WI)	Schultz
Nunes	Sánchez, Linda	T. Waters
Nunnelee	T.	Watt
Olson	Sanchez, Loretta	Webster
Ons	Scalise	Welch
Owens	Schiff	West
Palazzo	Schilling	Westmoreland
Pallone	Schmidt	Whitfield
Pascarell	Schock	Wilson (FL)
Paul	Schrader	Wilson (SC)
Paulsen	Schwartz	Wittman
Pearce	Schweikert	Wolf
Pelosi	Scott (SC)	Womack
Pence	Scott, Austin	Woodall
Perlmutter	Scott, David	Yarmuth
Peters	Sensenbrenner	Yoder
Peterson	Serrano	Young (AK)
Petri	Sessions	Young (FL)
Pitts	Sewell	Young (IN)
Platts	Sherman	
Poe (TX)		

NAYS—41

Becerra	Green, Gene	Nadler
Berman	Grijalva	Napolitano
Brady (PA)	Hinche	Olver
Capuano	Holden	Pastor (AZ)
Clarke (NY)	Holt	Pingree (ME)
Clay	Johnson (GA)	Sarbanes
Cohen	Johnson, E. B.	Schakowsky
Cummings	Kildee	Scott (VA)
Deutch	Kucinich	Stark
Dingell	Lee (CA)	Tierney
Doyle	Markey	Visclosky
Edwards	McCollum	Waxman
Finer	McDermott	Woolsey
Fudge	Miller, George	

NOT VOTING—10

Akin	Jackson (IL)	Neal
Diaz-Balart	Landry	Rangel
Engel	Mack	
Flores	Marchant	

□ 1417

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. MILLER of North Carolina. Mr. Speaker, on rollcall No. 132 for H.R. 3606, I inadvertently voted "yea" but my intention was to vote "nay."

HOMES FOR HEROES ACT OF 2011

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3298) to establish the position of Special Assistant for Veterans Affairs in the Department of Housing and Urban Development, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill.

The question was taken.

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

RECORDED VOTE

Mr. AL GREEN of Texas. 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 414, noes 5, not voting 12, as follows:

[Roll No. 133]

AYES—414

Ackerman	Carson (IN)	Farr
Adams	Carter	Fattah
Aderholt	Cassidy	Finer
Alexander	Castor (FL)	Fincher
Altmire	Chabot	Fitzpatrick
Amodel	Chaffetz	Fleischmann
Andrews	Chandler	Fleming
Austria	Chu	Forbes
Baca	Cicilline	Fortenberry
Bachmann	Clarke (MI)	Fox
Bachus	Clarke (NY)	Frank (MA)
Baldwin	Clay	Franks (AZ)
Barletta	Cleaver	Frelinghuysen
Barrow	Clyburn	Fudge
Bartlett	Coble	Galleghy
Barton (TX)	Coffman (CO)	Garamendi
Bass (CA)	Cohen	Gardner
Bass (NH)	Cole	Garrett
Becerra	Conaway	Gerlach
Benishek	Connolly (VA)	Gibbs
Berg	Conyers	Gibson
Berkley	Cooper	Gingrey (GA)
Berman	Costa	Gohmert
Biggert	Costello	Gonzalez
Bilbray	Courtney	Goodlatte
Bilirakis	Cravaack	Gosar
Bishop (GA)	Crawford	Gowdy
Bishop (NY)	Crenshaw	Granger
Bishop (UT)	Critz	Graves (GA)
Black	Crowley	Graves (MO)
Blackburn	Cuellar	Green, Al
Blumenauer	Culberson	Green, Gene
Bonamici	Cummings	Griffin (AR)
Bonner	Davis (CA)	Griffith (VA)
Bono Mack	Davis (IL)	Grijalva
Boren	Davis (KY)	Grimm
Boustany	DeFazio	Guinta
Brady (PA)	DeGette	Guthrie
Brady (TX)	DeLauro	Gutierrez
Braley (IA)	Denham	Hahn
Brooks	Dent	Hall
Brown (FL)	DesJarlais	Hanabusa
Buchanan	Deutch	Hanna
Bucshon	Diaz-Balart	Harper
Buerkle	Dingell	Harris
Burgess	Doggett	Hartzler
Burton (IN)	Dold	Hastings (FL)
Butterfield	Donnelly (IN)	Hastings (WA)
Calvert	Doyle	Hayworth
Camp	Dreier	Heck
Campbell	Duffy	Heinrich
Canseco	Duncan (SC)	Hensarling
Cantor	Duncan (TN)	Herger
Capito	Edwards	Herrera Beutler
Capps	Ellison	Higgins
Capuano	Ellmers	Himes
Cardoza	Emerson	Hinche
Carnahan	Eshoo	Hinojosa
Carney	Farenthold	Hirono

Hochul	Meeks	Sarbanes
Holden	Mica	Scalise
Holt	Michaud	Schakowsky
Honda	Miller (FL)	Schiff
Hoyer	Miller (MI)	Schilling
Hultgren	Miller (NC)	Schmidt
Hunter	Miller, Gary	Schock
Hurt	Miller, George	Schrader
Israel	Moore	Schwartz
Issa	Moran	Schweikert
Jackson Lee	Mulvaney	Scott (SC)
(TX)	Murphy (CT)	Scott (VA)
Jenkins	Murphy (PA)	Scott, Austin
Johnson (GA)	Myrick	Scott, David
Johnson (IL)	Nadler	Sensenbrenner
Johnson (OH)	Napolitano	Serrano
Johnson, E. B.	Neugebauer	Sessions
Johnson, Sam	Noem	Sewell
Jones	Nugent	Sherman
Jordan	Nunes	Shimkus
Kaptur	Nunnelee	Shuler
Keating	Olson	Shuster
Kelly	Olver	Simpson
Kildee	Owens	Sires
Kind	Palazzo	Slaughter
King (IA)	Pallone	Smith (NE)
King (NY)	Pascarell	Smith (NJ)
Kingston	Pastor (AZ)	Smith (TX)
Kinzinger (IL)	Paulsen	Smith (WA)
Kissell	Pearce	Southerland
Kline	Pelosi	Speier
Kucinich	Pence	Stark
Labrador	Perlmutter	Stearns
Lamborn	Peters	Stivers
Lance	Peterson	Stutzman
Langevin	Petri	Sullivan
Lankford	Pingree (ME)	Sutton
Larsen (WA)	Pitts	Terry
Larson (CT)	Platts	Thompson (CA)
Latham	Poe (TX)	Thompson (MS)
LaTourette	Polis	Thompson (PA)
Latta	Pompeo	Thornberry
Lee (CA)	Posey	Tiberi
Levin	Price (GA)	Tierney
Lewis (CA)	Price (NC)	Tipton
Lewis (GA)	Quayle	Tonko
Lipinski	Quigley	Towns
LoBiondo	Rahall	Tsongas
Loeb sack	Reed	Turner (NY)
Lofgren, Zoe	Rehberg	Turner (OH)
Long	Reichert	Upton
Lowey	Renacci	Van Hollen
Lucas	Reyes	Velázquez
Luetkemeyer	Ribble	Visclosky
Luján	Richardson	Walberg
Lummis	Richmond	Walden
Lungren, Daniel	Rigell	Walsh (IL)
E.	Rivera	Walz (MN)
Lynch	Roby	Wasserman
Maloney	Roe (TN)	Schultz
Manzullo	Rogers (AL)	Waters
Marino	Rogers (KY)	Watt
Markey	Rogers (MI)	Waxman
Matheson	Rohrabacher	Webster
Matsui	Rokita	Welch
McCarthy (CA)	Rooney	West
McCarthy (NY)	Ros-Lehtinen	Westmoreland
McCaul	Roskam	Whitfield
McClintock	Ross (AR)	Wilson (FL)
McCollum	Ross (FL)	Wilson (SC)
McCotter	Rothman (NJ)	Wittman
McDermott	Roybal-Allard	Wolf
McGovern	Royce	Womack
McHenry	Runyan	Woodall
McIntyre	Ruppersberger	Woolsey
McKeon	Rush	Yarmuth
McKinley	Ryan (OH)	Yoder
McMorris	Ryan (WI)	Young (AK)
Rodgers	Sánchez, Linda	Young (FL)
McNerney	T.	Young (IN)
Meehan	Sanchez, Loretta	

NOES—5

Amash	Flake	Paul
Broun (GA)	Huelskamp	

NOT VOTING—12

Akin	Flores	Mack
Boswell	Huizenga (MI)	Marchant
Dicks	Jackson (IL)	Neal
Engel	Landry	Rangel

□ 1426

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:  
Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 133, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall Nos. 130, 131, 132 and 133, I was delayed and unable to vote. Had I been present I would have voted "aye" on all four.

QUESTION OF PERSONAL PRIVILEGE

Mrs. MALONEY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER pro tempore (Mr. CHAFFETZ). The Chair has been made aware of a valid basis for the gentlewoman's point of personal privilege.

The gentlewoman from New York is recognized for 1 hour.

Mrs. MALONEY. Mr. Speaker, I rise today to address an attack on my integrity and my reputation.

Last week, Representative DARRELL ISSA, the chairman of the Committee on Oversight and Government Reform, on which I have served for many years, gave an interview to a newspaper in San Diego. The story was published on March 21, and it quoted the gentleman as accusing me of lying, knowingly and intentionally, during a hearing that was held before the Oversight Committee on February 16.

That hearing received a significant amount of public attention because it addressed the issue of insurance for reproductive health care, yet included no witness testifying on behalf of the tens of millions of women across this country who seek access to coverage for reproductive health and contraception.

I certainly understand that Members on both sides of the aisle have different viewpoints on this issue, and I'm not here to discuss the underlying policy differences we may have.

Today I ask from Mr. ISSA the same commitment I ask of myself, to always strive to hear from all sides of a debate without resorting to name-calling or attacks on the personal integrity of others. Even when we disagree with what others might say, we have an obligation to listen to them and respect their viewpoints.

I am sure there are some who will accuse me of using these remarks to merely revisit the contraception issue. To the contrary, I am responding to statements published just last week by the gentleman from California, his arguments regarding my actions.

In his recent interview on the hearing, Mr. ISSA said this, to be absolutely clear, and I quote:

Carolyn Maloney then made the famous statement, Where are the women? That was an outright lie, and she knew it when she said it.

First of all, I would like to point out that what I actually offered was an outright question. I asked it as I sat there looking directly at an all-male panel, the panel that you see in this

now-famous picture. It is a picture that I believe is worth a thousand words.

And as I look at this picture again, my question is as pertinent and legitimate today as it was back then. Look at this picture and tell me, Where are the women? If you can point to one woman on this first panel, then I will happily withdraw and offer my apologies to Mr. ISSA.

Just to make sure we have my question in context, let me repeat remarks that I made that morning that Mr. ISSA and some found so objectionable. I said, and I quote:

What I want to know is, Where are the women? I look at this panel, and I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning and contraception. Where are the women?

I still maintain, without fear of any contradiction, there is no one on this panel who is a woman, or who represents the tens of millions of women who want and need insurance basic coverage for family planning.

Now, if Mr. ISSA believes or tries to argue that that statement is somehow false because there were two women witnesses who appeared later that day on a second and separate panel, I would draw his attention to the fact that those witnesses were not there to represent the woman's point of view that is upheld primarily by the Democratic Party on this particular issue.

□ 1430

Those Republican-appointed witnesses were there only to represent the interests of institutions. So even in surveying both panels, I don't see one single individual representing the tens of millions of women across this country who want and need insurance coverage for basic preventive health care services, including family planning.

In conclusion, I would like to say, Mr. Speaker, rising for a point of personal privilege is sometimes accompanied by a call for a personal apology. Earlier today, Mr. ISSA apologized to me, and he sent me this letter just an hour or two ago. I am encouraged by his actions, and I accept his apology.

In the fallout of that unfortunate hearing, women were called far worse than liars. I know what I said that day, and I know it to be true. But I do think the Democratic witness, Sandra Fluke, and the women of America are owed an apology, an apology for denying them a voice, an apology for denying them a seat at the table. It was wrong then, and it is wrong each time that it happens. And it is especially wrong when women's health, women's lives, and women's rights are being discussed. And to cavalierly dismiss or deny that fact does greater damage to the fabric of democracy than words can ever redress.

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

ANNOUNCEMENT BY THE SPEAKER  
PRO TEMPORE

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

Any record vote on the postponed question will be taken later.

SURFACE TRANSPORTATION  
EXTENSION ACT OF 2012

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4239) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4239

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

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

(a) **SHORT TITLE.**—This Act may be cited as the “Surface Transportation Extension Act of 2012”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2012 by amounts apportioned or allocated pursuant to the Surface Transportation Extension Act of 2011, Part II (title I of Public Law 112–30) for the period beginning on October 1, 2011, and ending on March 31, 2012.

(c) **TABLE OF CONTENTS.**—

Sec. 1. Short title; reconciliation of funds; table of contents.

**TITLE I—FEDERAL-AID HIGHWAYS**

Sec. 101. Extension of Federal-aid highway programs.

**TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS**

Sec. 201. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 202. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 203. Additional programs.

**TITLE III—PUBLIC TRANSPORTATION PROGRAMS**

Sec. 301. Allocation of funds for planning programs.

Sec. 302. Special rule for urbanized area formula grants.

Sec. 303. Allocating amounts for capital investment grants.

Sec. 304. Apportionment of formula grants for other than urbanized areas.

Sec. 305. Apportionment based on fixed guideway factors.

Sec. 306. Authorizations for public transportation.

Sec. 307. Amendments to SAFETEA-LU.

**TITLE IV—HIGHWAY TRUST FUND EXTENSION**

Sec. 401. Extension of trust fund expenditure authority.

Sec. 402. Extension of highway-related taxes.

**TITLE I—FEDERAL-AID HIGHWAYS**

**SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.**

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

(1) by striking “the period beginning on October 1, 2011, and ending on March 31, 2012,” each place it appears and inserting “the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(2) by striking “½” each place it appears and inserting “¾”; and

(3) in subsection (a) by striking “March 31, 2012” and inserting “June 1, 2012”.

(b) **USE OF FUNDS.**—Section 111(c)(3)(B)(ii) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “\$319,500,000” and inserting “\$426,000,000”.

(c) **EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.**—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **ADMINISTRATIVE EXPENSES.**—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking “\$196,427,625 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “\$261,903,500 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

**TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS**

**SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.**

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$235,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$235,000,000 for each of fiscal years 2009 through 2011, and \$156,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$54,122,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$72,162,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$25,000,000 for fiscal year 2006” and all that follows through the period at the end and inserting “\$25,000,000 for each of fiscal years 2006 through 2011, and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$24,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$32,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$23,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—Section 2001(a)(6) of SAFETEA-LU (119 Stat.

1519) is amended by striking “\$139,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$139,000,000 for each of fiscal years fiscal years 2009 through 2011, and \$92,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(g) **NATIONAL DRIVER REGISTER.**—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$2,058,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$2,744,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “for fiscal year 2006” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2011 and \$19,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(i) **MOTORCYCLIST SAFETY.**—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for fiscal year 2009” and all that follows through the period at the end and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$4,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(k) **ADMINISTRATIVE EXPENSES.**—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$12,664,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and \$16,885,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

**SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.**

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

“(8) \$141,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(b) **ADMINISTRATIVE EXPENSES.**—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

“(H) \$162,762,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

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

(1) in paragraph (1) by striking “2011 and \$15,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$20,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(2) in paragraph (2) by striking “2011 and \$16,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$21,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(3) in paragraph (3) by striking “2011 and \$2,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$3,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(4) in paragraph (4) by striking “2011 and \$12,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(5) in paragraph (5) by striking “2011 and \$1,500,000 for the period beginning on October



1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$2,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(d) **HIGH-PRIORITY ACTIVITIES.**—Section 31104(k)(2) of title 49, United States Code, is amended by striking “2011 and \$7,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “2011 and \$10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(e) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$14,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012.” and inserting “and up to \$19,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(f) **OUTREACH AND EDUCATION.**—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “2011 (and \$500,000 to the Federal Motor Carrier Safety Administration, and \$1,500,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on March 31, 2012)” and inserting “2011 (and \$666,667 to the Federal Motor Carrier Safety Administration, and \$2,000,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 1, 2012)”.

(g) **GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.**—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2011 and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

(h) **MOTOR CARRIER SAFETY ADVISORY COMMITTEE.**—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “March 31, 2012” and inserting “June 1, 2012”.

(i) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “March 31, 2012” and inserting “June 1, 2012”.

**SEC. 203. ADDITIONAL PROGRAMS.**

(a) **HAZARDOUS MATERIALS RESEARCH PROJECTS.**—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “2011 and \$580,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$773,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

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

(1) in subsection (a) by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(2) in the first sentence of subsection (b)(1)(A) by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

**TITLE III—PUBLIC TRANSPORTATION PROGRAMS**

**SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.**

Section 5305(g) of title 49, United States Code, is amended by striking “2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012” and inserting “2011 and for the period beginning on October 1, 2011, and ending on June 1, 2012”.

**SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.**

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

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”;

(2) in subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”;

(B) in the matter preceding clause (i) by striking “2011 and during the period beginning on October 1, 2011, and ending on March 31, 2012” and inserting “2011 and during the period beginning on October 1, 2011, and ending on June 1, 2012”.

**SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.**

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

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JUNE 1, 2012.—”;

(B) in the matter preceding subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(C) in subparagraph (A)(i) by striking “2011 and \$100,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$133,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$10,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(B) in subparagraph (C) by striking “2011 and \$2,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$3,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i) by striking “2011 and \$5,000,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “2011 and \$6,666,667 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(ii) in clause (i) by striking “for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(iii) in clause (ii) by striking “for each fiscal year and \$1,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$1,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(iv) in clause (iii) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and

\$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(v) in clause (iv) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(vi) in clause (v) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(vii) in clause (vi) by striking “for each fiscal year and \$500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(viii) in clause (vii) by striking “for each fiscal year and \$325,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$433,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(ix) in clause (viii) by striking “for each fiscal year and \$175,000 for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “for each fiscal year and \$233,333 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

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

“(vii) \$9,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(C) in subparagraph (C) by striking “and during the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and during the period beginning on October 1, 2011, and ending on June 1, 2012.”;

(D) in subparagraph (D) by striking “and not less than \$17,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and not less than \$23,333,333 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(E) in subparagraph (E) by striking “and \$1,500,000 shall be available for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “and \$2,000,000 shall be available for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

**SEC. 304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.**

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

“(G) \$10,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012.”.

**SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.**

Section 5337(g) of title 49, United States Code, is amended to read as follows:

“(g) **SPECIAL RULE FOR OCTOBER 1, 2011, THROUGH JUNE 1, 2012.**—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on June 1, 2012, in accordance with subsection (a), except that the Secretary shall apportion 67 percent of each dollar amount specified in subsection (a).”.

**SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.**

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

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

“(G) \$5,573,710,028 for the period beginning on October 1, 2011, and ending on June 1, 2012.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$113,500,000 for each of fiscal years 2009 and

2010, \$113,500,000 for fiscal year 2011, and \$56,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$113,500,000 for each of fiscal years 2009 through 2011, and \$75,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(B) in subparagraph (B) by striking "\$4,160,365,000 for each of fiscal years 2009 and 2010, \$4,160,365,000 for fiscal year 2011, and \$2,080,182,500 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$4,160,365,000 for each of fiscal years 2009 through 2011, and \$2,773,576,681 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(C) in subparagraph (C) by striking "\$51,500,000 for each of fiscal years 2009 and 2010, \$51,500,000 for fiscal year 2011, and \$25,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$51,500,000 for each of fiscal years 2009 through 2011, and \$34,333,334 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(D) in subparagraph (D) by striking "\$1,666,500,000 for each of fiscal years 2009 and 2010, \$1,666,500,000 for fiscal year 2011, and \$833,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$1,666,500,000 for each of fiscal years 2009 through 2011, and \$1,111,000,006 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(E) in subparagraph (E) by striking "\$984,000,000 for each of fiscal years 2009 and 2010, \$984,000,000 for fiscal year 2011, and \$492,000,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$984,000,000 for each of fiscal years 2009 through 2011, and \$656,000,003 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(F) in subparagraph (F) by striking "\$133,500,000 for each of fiscal years 2009 and 2010, \$133,500,000 for fiscal year 2011, and \$66,750,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$133,500,000 for each of fiscal years 2009 through 2011, and \$89,000,000 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(G) in subparagraph (G) by striking "\$465,000,000 for each of fiscal years 2009 and 2010, \$465,000,000 for fiscal year 2011, and \$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$465,000,000 for each of fiscal years 2009 through 2011, and \$310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(H) in subparagraph (H) by striking "\$164,500,000 for each of fiscal years 2009 and 2010, \$164,500,000 for fiscal year 2011, and \$82,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$164,500,000 for each of fiscal years 2009 through 2011, and \$109,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(I) in subparagraph (I) by striking "\$92,500,000 for each of fiscal years 2009 and 2010, \$92,500,000 for fiscal year 2011, and \$46,250,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$92,500,000 for each of fiscal years 2009 through 2011, and \$61,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(J) in subparagraph (J) by striking "\$26,900,000 for each of fiscal years 2009 and 2010, \$26,900,000 for fiscal year 2011, and \$13,450,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$26,900,000 for each of fiscal years 2009 through 2011, and \$17,933,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(K) in subparagraph (K) by striking "in fiscal year 2006" and all that follows through "March 31, 2012," and inserting "for each of fiscal years 2006 through 2011 and \$2,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(L) in subparagraph (L) by striking "in fiscal year 2006" and all that follows through "March 31, 2012," and inserting "for each of fiscal years 2006 through 2011 and \$16,666,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,";

(M) in subparagraph (M) by striking "\$465,000,000 for each of fiscal years 2009 and 2010, \$465,000,000 for fiscal year 2011, and \$232,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$465,000,000 for each of fiscal years 2009 through 2011, and \$310,000,002 for the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

(N) in subparagraph (N) by striking "\$8,800,000 for each of fiscal years 2009 and 2010, \$8,800,000 for fiscal year 2011, and \$4,400,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "\$8,800,000 for each of fiscal years 2009 through 2011, and \$5,866,667 for the period beginning on October 1, 2011, and ending on June 1, 2012,".

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

"(7) \$1,303,333,340 for the period beginning on October 1, 2011, and ending on June 1, 2012."

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

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking "and 2010, \$69,750,000 for fiscal year 2011, and \$29,500,000 for the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "through 2011, and \$29,333,333 for the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

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

"(3) ADDITIONAL AUTHORIZATIONS.—

"(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

"(B) UNIVERSITY CENTERS PROGRAM.—

"(i) OCTOBER 1, 2011, THROUGH JUNE 1, 2012.—Of the amounts allocated under subparagraph (A)(i) for the university centers program under section 5506 for the period beginning on October 1, 2011, and ending on June 1, 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 42 percent of the amount allocated for fiscal year 2009 under each such clause.

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

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

"(7) \$65,808,667 for the period beginning on October 1, 2011, and ending on June 1, 2012."

SEC. 307. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat.

1572) is amended by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

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

(1) in subsection (c)(5) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012" and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012"; and

(2) in the second sentence of subsection (d) by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking "March 31, 2012" and inserting "June 1, 2012".

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

"(8) \$6,972,185,368 for the period beginning on October 1, 2011, and ending on June 1, 2012, of which not more than \$5,573,710,028 shall be from the Mass Transit Account."

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

(1) in subsection (b), in the matter preceding paragraph (1), by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,"; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking "2011 and the period beginning on October 1, 2011, and ending on March 31, 2012," and inserting "2011 and the period beginning on October 1, 2011, and ending on June 1, 2012,".

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046(c)(2) of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended to read as follows:

"(2) for the period beginning on October 1, 2011, and ending on June 1, 2012, in amounts equal to 42 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a)."

#### TITLE IV—HIGHWAY TRUST FUND EXTENSION

##### SEC. 401. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

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

(1) by striking "April 1, 2012" in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting "June 2, 2012"; and

(2) by striking "Surface Transportation Extension Act of 2011, Part II" in subsections (c)(1) and (e)(3) and inserting "Surface Transportation Extension Act of 2012".

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

(1) by striking "Surface Transportation Extension Act of 2011, Part II" each place it appears in subsection (b)(2) and inserting "Surface Transportation Extension Act of 2012"; and

(2) by striking "April 1, 2012" in subsection (d)(2) and inserting "June 2, 2012".

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

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

**SEC. 402. EXTENSION OF HIGHWAY-RELATED TAXES.**

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “March 31, 2012” and inserting “June 1, 2012”:

- (A) Section 4041(a)(1)(C)(iii)(I).
- (B) Section 4041(m)(1)(B).
- (C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “April 1, 2012” and inserting “June 2, 2012”:

- (A) Section 4041(m)(1)(A).
- (B) Section 4051(c).
- (C) Section 4071(d).
- (D) Section 4081(d)(3).

(b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.—Each of the following provisions of such Code is amended by striking “2012” and inserting “2013”:

- (1) Section 4481(f).
- (2) Subsections (c)(4) and (d) of section 4482.

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

(1) by striking “April 1, 2012” each place it appears and inserting “June 2, 2012”;

(2) by striking “September 30, 2012” each place it appears and inserting “December 31, 2012”; and

(3) by striking “July 1, 2012” and inserting “October 1, 2012”.

(d) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking “April 1, 2012” and inserting “June 2, 2012”.

(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

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

(A) in subsection (b)—

(i) by striking “April 1, 2012” each place it appears in paragraphs (1) and (2) and inserting “June 2, 2012”;

(ii) by striking “APRIL 1, 2012” in the heading of paragraph (2) and inserting “JUNE 2, 2012”;

(iii) by striking “March 31, 2012” in paragraph (2) and inserting “June 1, 2012”; and

(iv) by striking “January 1, 2013” in paragraph (2) and inserting “April 1, 2013”; and

(B) in subsection (c)(2), by striking “January 1, 2013” and inserting “April 1, 2013”.

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

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “April 1, 2012” and inserting “June 2, 2012”.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(i) by striking “April 1, 2013” each place it appears and inserting “June 2, 2013”; and

(ii) by striking “April 1, 2012” and inserting “June 2, 2012”.

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

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 4239, as amended.

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

There was no objection.

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

My colleagues and Mr. Speaker, this is a 60-day extension that has been agreed to by our leadership and negotiated with the other side of the aisle. I believe it will ensure the surface transportation programs at the Department of Transportation will continue to function, and that we can continue programs across the country, ensuring our men and women stay in jobs at such a difficult time with our economy, again, needing some reliability in transportation programs from this Federal level.

So with that, I urge a “yes” vote on H.R. 4239, as amended, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
Washington, DC, March 26, 2012.

Hon. JOHN MICA,

Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MICA: I am writing concerning H.R. 4239, the “Surface Transportation Extension Act of 2012,” which is scheduled for floor consideration this week.

As you know, the Committee on Ways and Means has jurisdiction over the Internal Revenue Code. Title IV of this bill amends the Internal Revenue Code of 1986 by extending the current Highway Trust Fund expenditure authority and the associated Federal excise taxes to June 1, 2012. However, in order to expedite this legislation for floor consideration, the Committee will forgo action on this bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 4239, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration.

Sincerely,

DAVE CAMP,  
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,  
Washington, DC, March 26, 2012.

Hon. DAVE CAMP,

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

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4239, the “Surface Transportation Extension Act of 2012.” The Committee on Transportation and Infrastructure recognizes the Committee on Ways and Means has a jurisdictional interest in H.R. 4239, and I appreciate your effort to facilitate consideration of this bill.

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

I will include our letters on H.R. 4239 in the Congressional Record during floor consider-

ation of the bill. Again, I appreciate your cooperation regarding this legislation and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

JOHN L. MICA,  
Chairman.

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

Mr. Speaker, I rise in opposition to H.R. 4239. This legislation is yet another example of the Republican leadership’s “my way or the highway” approach to legislating. There was no consultation with anyone on this side of the aisle prior to this particular measure being introduced and scheduled for consideration. The extension is unduly long, and it ignores the fact that we do have a solution in hand in the form of a bipartisan Senate surface transportation bill which passed the other body the week before last.

With more than 2.7 million construction and manufacturing workers out of work, enough with the political games. With tens of millions more seeking a better life, it is far past the time to stop the brinksmanship.

As we approach the start of construction season, we need to come together to pass a highway bill that will improve our infrastructure and, most importantly, create jobs. Instead, Republicans in the House continue their “my way or the highway” approach that is now leading to a kick-the-can-down-the-road extension.

The other body has shown us the way. They passed an overwhelmingly bipartisan bill called MAP-21 with a vote of 74-22, with Senators BOXER and INHOFE leading the way across the ideological spectrum. The simple solution would be to take up that bill and pass it now. The President is prepared to sign it into law.

Yet, instead, we have before us another extension premised on the perverse notion that the Republican leadership will, over the next 60 days, garner enough votes on their side of the aisle to pass H.R. 7, the 5-year bill reported by the Transportation and Infrastructure Committee. That committee reported H.R. 7 on February 13. The Rules Committee approved a rule governing its consideration on the floor on February 15. That was almost 6 weeks ago. During that time, the Republican leadership has failed to find the votes among its Members to pass that bill. They do not have 218 votes, and they know it.

So the question is: What difference do they hope to achieve over the next 8 weeks that they were unable to achieve over the past 6 weeks? Not much, in my view, because the right wing of their party is holding H.R. 7 hostage to their ideological jihad that the Federal Government has no business in supporting a national transportation system.

On February 22, 1955, President Dwight Eisenhower stated:

Our unity as a Nation is sustained by free communication of thought and by easy

transportation of people and goods. The ceaseless flow of information throughout the Republic is matched by individual and commercial movement over a vast system of interconnected highways, crisscrossing the country and joining at our national borders with friendly neighbors to the north and south.

□ 1440

Promoted by a Republican President and passed by a Democratic-controlled Congress, America sought greatness as it embarked on the construction of the Interstate Highway System of 1956; and America achieved it, creating a transportation system that was once the envy of the world.

Yet H.R. 7 represents a full-scale retreat from that dynamic vision set forth 56 years ago. It mortgages America's future at subprime rates. It bankrupts the highway trust fund and endangers the future long-term integrity of transportation programs. It destroys American jobs at a time when legions of Americans are desperately seeking work and are trying to make ends meet. It is the wrong direction for America.

This day should be a day of glory. It should be a day when this body displays the courage and conviction necessary to address the pressing transportation needs of this Nation. Instead, it is a day of shame. It is a day when we are about to turn back the clock nearly half a century on America's greatness and on the incredible work we have done to grow our Nation, to build a thriving economy, and to lead the global market.

Unlike the House bill, which slashes funding and destroys 550,000 jobs, the other body's bill continues current funding levels, sustaining approximately 1.9 million jobs. Under the Senate bill, the States will receive \$3.8 billion more in highway construction funding than the House bill over the course of 2 years.

The Senate bill eliminates many of the gaping loopholes in current law "Buy America" requirements—loopholes that are being exploited by foreign competitors, like China, who are stealing American jobs. MAP-21—that's the Senate bill—includes critical elements of my Buy America bill and the Invest in American Jobs Act, and it eliminates these loopholes in order to give American workers a fair shot. The Senate bill also does not contain poison pills like the House bill does, such as provisions to strip OSHA protections for hazmat workers and efforts to finance highway construction on the backs of middle class workers.

The Senate bill is not the bill I would have written, but it is a fair bipartisan compromise—a word some in this body don't like to hear, especially on the other side, but it is a word that is necessary for legislating. The bill will provide the certainty that States need to invest and proceed with their plans long on the books.

So, again, I call upon the Republican leadership to schedule that bill for con-

sideration by this body now. Yet in the spirit of compromise—again, a word that's necessary in this body—I would remind the Republicans that it is a word in the dictionary, that it is a word that Americans use daily, and that I might consider supporting such a shorter extension than what is being proposed today, not this lavish 60-day, 8-week extension, but rather one that keeps our noses to the grindstone and that instills the sense of urgency that this matter deserves.

I reserve the balance of my time.

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

Mr. Speaker and my colleagues, let's deal with just a few facts.

First of all, the fact is that this would be the ninth extension. The fact is that the Democrats, who are on the other side of the aisle, when they controlled the entire House of Representatives and the United States Senate—the other body—in a huge majority and the White House, they did six extensions. That's the first fact.

The second fact is that the folks from the other side of the aisle, when they controlled it, they weren't even able to get a bill out from subcommittee to full committee. We passed it in committee, and we've gotten it this far to the floor with huge majorities. They did not pass it.

Let's just deal with the facts. The facts are, on June 17, 2009, after my cooperating with the previous chair on the other side of the aisle to go forward with a long-term bill, it was President Obama who sent then-Secretary Ray LaHood to tell us that they were going to kill a 6-year bill that we had agreed on to move forward, which they couldn't even get out of committee, to an 18-month extension.

These are the facts. The fact is that they had 6,300 earmarks in the last bill, and they were open to earmarks in the bill that they were about to propose. This bill is being brought forward without tax increases. It is responsibly funded with dramatic reforms and, again, devolves to the States and local governments, which actually build these projects, the streamlining and other financial opportunities that they can take advantage of.

As for the part about bankrupting the trust fund, let's deal again with facts. The facts are that the bill that is proposed by the other body is a 2-year bill, and the trust fund money expires in 18 months. That's not responsible. The bill we brought out has a pay-for.

With regard to the comments that we're slashing, we are continuing at current levels. It's \$52 billion for 5 years. Do the math. It's 260. The Senate bill is \$109 billion. It's 54.9. We are increasing spending at a time when we shouldn't be increasing spending, but we're maintaining the current level. They count no increase as a cut. That's the kind of math that's going on here.

So I came to the floor because there was a bipartisan agreement between the leadership of the House and the

Senate to move forward because we have to get people to work. This is my third extension. I have had the honor and privilege of chairing the committee for—what?—14 months now. I have cooperated with the other side, including holding extensive hearings in the district of the first gentleman who spoke, Mr. RAHALL—in Beckley, West Virginia—all the way to the west coast. I've held dozens of hearings out in the field and here in Washington to try to develop legislation that could get the job done and so that we could do more with even the same amount of money and put people to work at this time in our country's history. So those are the facts.

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

The SPEAKER pro tempore. The gentleman from Florida has 15 minutes remaining.

Mr. MICA. I yield 5 minutes to the gentleman from Tennessee (Mr. DUNCAN), the chair of the Highway Subcommittee.

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding me this time, and I thank him for his leadership of the Transportation and Infrastructure Committee.

H.R. 4239 extends the surface transportation programs through May 31, 2012, at funding levels consistent with the fiscal year 2012 transportation appropriations bill passed last November. This extension is clean and does not add any policy provisions. Without this extension, Mr. Speaker, these programs are set to expire this Saturday. This legislation will allow the highway and transit programs to continue to operate as the spring construction season kicks off.

During this 2-month extension, we fully expect the House to pass H.R. 7, the American Energy and Infrastructure Jobs Act of 2012, and conference this bill with the Senate's 18-month reauthorization bill. H.R. 7, as Chairman MICA just noted, is a 5-year reauthorization bill that provides the long-term funding at current levels. It provides the predictability that States and localities need and have requested in order to plan major transportation projects and critical improvements to their transportation systems. Additionally, H.R. 7 eliminates, or would eliminate, wasteful Federal programs and put important decisionmaking power back in the hands of the States. There is no reason to have a bureaucrat in Washington dictating which projects should be funded in my home State of Tennessee or in other States.

Federal aid transportation projects around the Nation are sitting idle because of inefficient and unnecessary project review requirements. H.R. 7 goes the extra mile by streamlining the project review process and by eliminating scores of unnecessary Federal requirements. My constituents in the Second District of Tennessee and those throughout this Nation want a more efficient and smarter process for investing our Federal transportation dollars,

and H.R. 7 would accomplish this by doing more with less.

□ 1450

We need to speed up these highway projects. The last two studies by the Federal highway officials have estimated that it takes 13 years—one said 13 years; one said 15 years—from conception to completion. All these other developed nations around the world are doing these projects in a half or a third of the time that we are. We've got to speed things up to become more globally competitive.

When Congress sends H.R. 7 to the President, it will be considered the signature jobs bill that Americans have been waiting for Congress to pass. Just this week, Time magazine has a cover which describes our recovery as "wimpy." Yesterday, the chairman of the Federal Reserve Board, Chairman Bernanke, said that the job market continues to remain weak.

This bill, H.R. 7, if we can pass it, will create millions of jobs for hard-working Americans right here in the United States—not in China or India—and will leave a lasting impact with tangible improvements to our transportation infrastructure. By passing the long-term reauthorization bill that the business community and State and local officials across this country want, Americans will be able to see their tax dollars working to rebuild and strengthen our Nation's highways, bridges, and transit systems. In addition, people all over this country want us to stop rebuilding other countries and start doing what we need, rebuilding our own country and putting our own citizens first once again.

I urge my colleagues to pass this brief 2-month extension so that the House can continue its work and then pass H.R. 7, the long-term reauthorization reform bill that this country needs.

Mr. RAHALL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oregon, the ranking member on our Subcommittee on Highways and Transit.

Mr. DEFAZIO. I thank the gentleman.

Well, the Republicans have got the wheel hard over, pedal to the metal. They are spinning doughnuts. And they want another 90 days or 60 days—it was 90 days yesterday; 60 days today—to spin doughnuts until they run out of fuel on their side of the aisle.

Look, the Senate, which previous to this leadership was the most dysfunctional legislative body in the land, has passed a 2-year bill with reforms and streamlining with half of the Republican Senators, including some members of the Flat Earth Caucus, voting for it. It received 74 votes in the Senate. Nothing gets 74 votes in the Senate. But you're refusing to bring that bill up because—we might get something done around here. So how about another 60 days to spin our wheels?

Well, let's have a little bit of history here: February 8, 2011, Chairman MICA:

"We'll have a surface transportation bill by the August recess." That was, what, 2011. Oops. Well, then in August of 2011, Chairman MICA: "I will agree to one additional highway program extension." Oops. He's asking for yet another and another and today yet another.

Well, then, spin forward quickly to November of 2011, Speaker BOEHNER: "House will pass a highway bill this year." That was last year. Then we go forward to February 1, 2012. Here's the problem: they've got a bunch of people on their side who hate government so much that they're willing to destroy the national transportation program to kill it. We are not making the claim, Speaker BOEHNER, that spending taxpayer money on transportation projects creates jobs, are we, huh?

They hate government so much, they will say that investment by the government in building a national transportation system and maintaining it and rebuilding it with "Made in America" requirements does not create jobs. Why would he say that? Because they've got 80 people on their side of the aisle who do not believe we should have a national transportation plan or policy. They're willing to let our roads, bridges, and highways crumble.

This is the pre-Dwight David Eisenhower—a Republican President—National Highway System program. This is the brand-spiffy-new Kansas Turnpike that ended in this farmer's field on the Oklahoma border. This went on for years because Oklahoma didn't deliver its section. They want to go back to those good old days. No Federal mandates. No Federal transportation system. Oh, okay. So the Port of Los Angeles and the people of southern California should pay for everything that relates to getting freight in and out of L.A. It doesn't affect the rest of the United States of America. Or the Port of Portland or the Port of Seattle or the ports on the east coast.

Our competitor nations get it. They're spending. They're investing. Even countries with austerity programs, like Britain, they're putting people back to work. Despite what the Speaker had to say to the Flat Earth Caucus over there, it does create jobs and investments. We need to move forward.

Now they're saying, Oh, no problem, just another temporary delay while we get our act together on our side of the aisle. Well, again, we already heard the statement, no more, only one more temporary extension. That was about 9 months ago. And we're finding now that actually the delays are costing jobs, uncertainty costs jobs. States can't make commitments for major projects and investments if they don't know if there is going to be Federal money there in 90 days. Ninety days? Oh, 60 days. I forgot. In 60 days. They're going to plan a long-term project that can last 60 days? No, I don't think so.

So in North Carolina, the Secretary of Transportation says: The delays

have cost 41,000 jobs. That seems a little high to me. But Nevada, 4,000 jobs. Maryland, 4,000 jobs. Michigan, 3,500 jobs. Adding it up across the country, even if we use the low numbers, we're talking tens of thousands of job opportunities lost because they can't get their act together.

Just let us vote on the Senate bill. That's all we're asking. I mean, I think there might be a few people on your side of the aisle who would agree with their Republican colleagues in the Senate and support it. And I can guarantee we would get almost every Democrat on this side of the aisle to vote for it.

You can't even get your own people to vote for your own bill. You are wrapped around the axle on your own caucus day after day. You have to pretend it won't create jobs. Well, that's not enough for them.

PAUL RYAN has now proposed in the budget, which we're going to vote on next, that we should decrease funding in transportation by 35 percent. But you're saying over there that you want to continue the current levels. Well, you'd better get it together because if you're going to support the Ryan budget, then you've just voted to cut transportation beginning October 1 by 35 percent. That's about 500,000 jobs. But what the heck.

You guys hate government so much, you hate America so much that you won't do what's necessary to put this country back together, to rebuild the infrastructure that was given to us by Democrats and Republicans alike for more than half a century, never in a partisan way. This is the first experiment, the first attempt to pass a totally partisan bill, and you're failing on your own side of the aisle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members to address their remarks to the Chair.

Mr. MICA. Mr. Speaker, I am pleased at this time to yield 4 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), the chair of our Rail Subcommittee.

Mr. SHUSTER. I thank the chairman.

Listening to the last speaker, I believe that the other side of the aisle has got a case of amnesia because I was here in 2007 and 2011 when they had the majority in the House, the majority in the Senate, and the Presidency, and they did nothing. Well, that's not true. In fact, the last speaker, the gentleman from Oregon, he was the chair of the Highway Subcommittee; and we passed a bill by voice vote out of the subcommittee, a Democratic version. Voice vote. That means it came out of subcommittee in a bipartisan way.

Now, there was a lot in that bill I didn't like. But it was probably what the gentleman from Oregon, the last speaker, and the majority party wanted to do was to expand government control of the highway system, expand

the decision-making process to the bureaucrats in Washington instead of allowing the people in the States to make more of those decisions.

So it's startling to me to hear the criticism and insults hurled at our side of the aisle. I do take offense to the fact that he said we hate America. We love America. We love the American people and the wisdom of the American people and the wisdom of those in State government to make decisions, also.

I believe there is a national role in the transportation system in this country. It is a national policy. It's based on our founding. It's our history. We've always been part of this national system. So I want to pass a bill, a 5-year bill. I don't believe my colleagues have gone home and listened to their DOT directors and the people that build roads and sell equipment and the business people. They want a 5-year bill. They do not want a 2-year bill because they won't make decisions on expanding their businesses, buying equipment, hiring people on an 18-month bill.

□ 1500

And oh, by the way, by the time we pass—if we pass—the Senate bill, it will be a 16-month bill. It's just another extension. It doesn't have reforms in it. Our bill does reform. It will allow that \$260 billion to be spent faster. And anybody that's been in business and had to deal with the day in and day out knows that time is money. If it takes 14 to 15 years to build a highway versus 7 or 8, that's going to cost us a lot more money. That's common sense. That's why this 5-year bill is a commonsense bill and we need to pass it.

But I've come here on the floor today to debate not the 5-year bill because I believe it's the best way to go; I've come here to support the bipartisan agreement—I thought it was a bipartisan agreement; I guess we'll find out shortly—a bipartisan agreement for a 60-day clean extension that will give us the time to move forward and put a commonsense bill on the floor that will encourage growth in America. It will encourage people to hire and invest in their businesses when they're building roads and bridges in this country.

Failing to pass this extension is really not an option, so I hope that my friends will get behind this extension and pass it so that we can work to pass a bill that makes a lot of sense—and that is H.R. 7—and that will help to create jobs.

Again, I would remind my colleagues if they're watching this or colleagues in the Chamber, from 2007 to 2011 our Democratic colleagues that controlled both branches of government, both Houses of Congress, did not pass a highway bill. They passed a stimulus bill that didn't work. Only 8 percent of it went to highway and infrastructure projects. We as Republicans offered an alternative: half of the amount of money that the Democrats passed, and half of that money going to rebuilding our infrastructure.

If they truly cared about rebuilding the infrastructure of this country, they would have passed a highway bill from 2007 to 2011, but they failed to do it; and now they've come to the floor to criticize our side. And we've worked very, very hard. Chairman MICA has put together a bill that really does do significant reform. And I don't know why the other side resists reform when we can spend money quicker and we can get that money out there and rebuild the roads and bridges we need today.

Mr. RAHALL. May I inquire of the time remaining?

The SPEAKER pro tempore. The gentleman from West Virginia has 8½ minutes remaining. The gentleman from Florida has 7 minutes remaining.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 3 minutes to the gentlelady from Florida, the distinguished ranking member of our Subcommittee on Railroads.

Ms. BROWN of Florida. Thank you, Mr. RAHALL, for your leadership on this transportation bill.

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

When President Barack Obama came to the floor, he mentioned to the House that Republicans used to like to build some roads. Well, it is a sad state of affairs in this House of Representatives and a sad day as far as the committee is concerned because we used to have a process that was bipartisan. We worked together.

We can't pass a transportation bill. The only thing we passed was a new bridge for Minnesota. We had to transfer 30 acres of land in one individual congressional district. But the leadership of the Transportation Committee of this House of Representatives can't find floor time to debate a piece of legislation that would create and maintain millions of good-paying jobs for hardworking Americans. Republicans refuse to work with Democrats in crafting a transportation reauthorization bill that has caused us the opportunity to deliver much-needed relief to the States and to the traveling public.

Certainly, at a time when our Nation's unemployment rate remains at 9 percent, an adequately funded 6-year surface transportation reauthorization bill is critical. What our country needs is a surface transportation bill. But let me be clear: we don't need a 5-year bill with 2-year money.

Transportation and infrastructure funding is absolutely critical to our Nation. We know for every billion dollars we spend, it generates 44,000 permanent jobs. We need and deserve a long-term transportation bill, but the Tea Party members won't be happy until we are riding horses on dirt roads again.

We need to pass the Senate transportation reauthorization bill and add some sanity to this process and send a bill to the President that actually helps the traveling public and puts the American people back to work.

Mr. MICA. Mr. Speaker, may I inquire as to the balance of time on each side?

The SPEAKER pro tempore. The gentleman from Florida has 7 minutes remaining, and the gentleman from West Virginia has 6 minutes remaining.

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

Mr. RAHALL. Mr. Speaker, I am happy to yield 2 minutes to the gentleman from New York (Mr. BISHOP), who has introduced the other body's bill in this House. It's labeled H.R. 14 and is twice as good as H.R. 7.

Mr. BISHOP of New York. I thank Mr. RAHALL for yielding.

I rise in opposition to H.R. 4239, the Republican 60-day highway bill extension.

As prime construction season begins, thousands of construction workers and their families will continue to struggle because our Republican colleagues would rather engage in hyperpartisan politics than put Americans back to work. Today's highway extension is yet another example of the failed leadership and absent policies of the Republican Party.

Unlike the successful bipartisan efforts of SAFETEA-LU, TEA-21, and ISTEA that put millions of Americans to work and made our highways and transit systems the envy of the world, today's Republican extension merely allows the Nation to limp forward, impeding our ability to rejuvenate our economy.

Let me be clear. This extension does nothing to create jobs or provide certainty to States. It does nothing to rebuild our crumbling infrastructure, and it does nothing to improve safety on our roadways and bridges.

It's been 6 weeks since the Rules Committee approved the rule for H.R. 7, the Republican highway reauthorization that was drafted in the dark of night and was passed out of the Transportation and Infrastructure Committee without a single person other than Chairman MICA having read the bill. When our Republican colleagues finally did read the bill, they, too, were struck by the overwhelmingly negative consequences for many of their States. The bill has been in limbo ever since.

If the priority of the Republican caucus was to create jobs, they would immediately take up and pass H.R. 14, the bipartisan Senate highway bill that will save 1.8 million jobs and create up to another million jobs, supporting over 113,000 jobs in my State of New York alone.

If the priority of the Republican caucus was to reduce the deficit, they would take up and pass H.R. 14, the only proposal in town that is fully paid for.

If the priority of the Republican caucus was to provide certainty to the markets and the States, then we would take up H.R. 14, the 2-year Senate bill, and not the 60-day extension the House Republicans now propose.

H.R. 14 not only passed by an overwhelming bipartisan majority in the

Senate—74—22—the bill enjoys 114 cosponsors in the House.

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

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

Mr. BISHOP of New York. As House Republicans continue to isolate themselves from the mainstream, Americans continue to wait for much-needed infrastructure jobs and the thousands of businesses they support.

I urge my colleagues to reject this shortsighted extension of our Nation's transportation programs and pass H.R. 14, the bipartisan Senate bill.

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

Mr. RAHALL. Mr. Speaker, I am honored to yield the customary 1 minute to our distinguished Democratic leader, the gentlelady from California (Ms. PELOSI).

Ms. PELOSI. I thank the gentleman for yielding.

I couldn't resist the opportunity to come to the floor to speak on the situation that we have before us.

I thank the gentleman from West Virginia for his ongoing leadership in terms of bipartisanship and constructive legislation to rebuild America, which is so important to us. It has been the tradition—Mr. MICA will admit—that this has always been a bipartisan effort. That is the history. That is the tradition. That has served the country well.

□ 1510

For the first time, however, the Republicans have chosen to do a strictly Republican bill which our very respected Secretary of Transportation who served in this House as a Republican, served as a Member of Congress as well as served the minority leader, Mr. MICA, as a staff person, so he has a long history of knowledge of legislation in the Congress, said this was the worst transportation bill he had seen in his 35 years of public service—and, again, this is a field in which he is an expert.

He said the bill loses jobs, the bill Republicans want to put forth, H.R. 7, and it also diminishes safety. That is not a formula for a good transportation bill—less safety, fewer jobs, losing jobs. And so, we have an opportunity to support a bipartisan bill that has come from the Senate, three-quarters of the Senate in a bipartisan way passed it out. March 31 is the deadline when all of this will expire unless Congress acts, and Congress is not acting because the Republican majority does not have its act together. Their "our way or the highway" attitude means no highway bill that creates jobs and promotes public safety.

It's really so sad because in the tradition of our country, from the start, from the very start, Thomas Jefferson understood the need for building the infrastructure of America. He tasked his Secretary of the Treasury, Gallatin, to come up with a project that

would expand into America, the Louisiana Purchase, and the Lewis and Clark expeditions. And out of that initiative came the Cumberland Road, the Erie Canal, and other things like that over time, and in that tradition, the Transcontinental Railroad and the rest that would come later.

Then in our century, a Republican President, President Eisenhower, at a time of bad economic times, bad economic times, he went forward and took the initiative for the interstate highway initiative, which was so important to our country. It was a security issue to unite America. It was a jobs initiative to build that interstate highway system. And it was about promoting commerce, connecting people, and improving the quality of life. It was a great initiative, and it, too, was a bipartisan initiative. In fact, in the Senate, our friend, Senator Gore, Vice President Gore, his father took the lead on that legislation, the distinguished gentleman from Tennessee, as we heard earlier from the gentlemen from Tennessee.

So this has all been a bipartisan initiative. It's about rebuilding America, which is part of our reigniting the American Dream to build ladders of opportunities so people who work hard, play by the rules, and take responsibility can have a ladder of success to climb and then put down for others to do. And part of that is A, Make It In America so that people can make it in America; and B, and I get to this point, build America, build America, build the infrastructure of America. And that means everything from the highways with mass transit, rapid transit, high-speed rail, and all kinds of technological infrastructure that we need with broadband and the rest.

It doesn't have any political or partisan cast to it at all. It never has—until now. And until now, for reasons that are very hard to explain to the American people, while we have a solution, we have a challenge. The authorization expires March 31. We have a bill that can be sent to the President in a matter of hours from this House of Representatives this day. And instead of smoothing the way, the road to jobs, we have the Republicans putting up, yet again, another obstacle because they have not been able to get unity in their caucus on a bill that promotes commerce, builds America, promotes safety, and creates jobs, jobs, jobs, jobs.

So what are we doing wasting the public's time with a 60-day extension? I support the leadership of our ranking member, Mr. RAHALL, when he talks about why we have to do something better, something more important, something more worthy of the concerns of the American people than a parliamentary maneuver that isn't going to produce anything. It doesn't even have anything attached to it that says, let's do this now so that we can do something better later. It has a bill that they cannot even pass on the

House floor, their own H.R. 7. If they could pass that, they would. Their own caucus doesn't support what they're putting forth. So they expect the rest of us to cover for them.

Well, that is a real disservice to the American people. It is a real disservice to the hundreds of thousands of construction workers who are out of work. This job in its totality, and the jobs it would save and the jobs it would create, over 2 million jobs, and yet instead of doing that, we have a tactical maneuver for God knows what reason.

Everything we do is about time. It's about time, shortening the time in which people have to wait for jobs, shortening the times in which people get to and from their jobs. And it's about time that we put the American people back to work by passing the biggest jobs bill that Congress can ever pass, and that is a transportation bill. We have it right at our disposal. Mr. BISHOP introduced it as H.R. 14, we brought it up earlier today, and the Republicans resoundingly voted against the Senate bill. And I understand it was a procedural vote.

Now in a substantive vote, why don't you bring that bill to the floor? Why don't you bring that bill to the floor? And I ask the question again to my Republican colleagues: Why don't you bring the bill to the floor that three-quarters of the United States Senate in a bipartisan way passed out? We all want a longer bill. This is the bill they can pass. This is the bill we should pass so that the President can sign it into law. Anything else is just a conversation. Taking action, taking the votes, that is what the American people expect us to do. So we can talk all we want. What the American people want us to do is to act. And so I reject 60 days when we can do something much better for the American people.

Mr. MICA. I yield 2 minutes to Mr. SHUSTER, the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman from Florida, and I appreciate the opportunity to be able to ask my Democratic colleagues, following up on the distinguished leader's question but with a little twist to it, why didn't your side, when you had control of both Houses of Congress and the Presidency, why didn't you pass a bill, a highway bill? You had the votes. You could have done anything you wanted to.

In fact, the former distinguished Speaker that just spoke said that this is going to be the biggest jobs bill we pass. I thought your stimulus was supposed to be the biggest jobs bill we ever passed. It's amazing to me to come down here on the floor—and I have so much respect for my colleagues on the other side of the aisle—but to hear this argument going round and round, and as I said earlier, there's amnesia on the other side of the aisle. You had control of Congress. The bill expired in 2009. You still had control of both Houses and the Presidency. You didn't pass a bill.

I also would like to make note, if you look back in the history of the highway bill, we've never been in the financial situation that we are today. We've never faced the kind of debt that we face today. And what this bill does is it lives within our means. But it does more than just that, living within our means, which we should do, and I would add, Thomas Jefferson would be appalled if he saw the kind of debt we've racked up today. He would be appalled by that.

So we're living within our means, and we're streamlining the process. We are saying we can do more with less if we change the process. The Senate bill doesn't have the kind of reforms. What the Senate bill does is it bankrupts the highway trust fund. It bankrupts the highway trust fund. And then we even have a bigger problem 2 years down the road, actually maybe 18 months, maybe 17 months, probably 16 months by the time we get it passed. The Senate bill requires States to incorporate livability and smart growth policies, as if the States aren't smart enough to do it themselves? As if the States and cities in this country can't figure out how they want to improve the livability of their cities? No. The Federal Government has to do it. The Federal Government has to insist that they do that.

Look, I think that Members of Congress ought to have the ability to direct where some of these funds go, but the Senate bill, what it allows are the bureaucrats.

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

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

Mr. SHUSTER. The bureaucrats in Washington will decide how the money is spent, not even the folks back in the States. The Senate fails to streamline the project delivery process which we do. That will allow us to build roads faster, and time is money. Anybody that's been in business knows time is money. And that is extremely important to this. The Senate bill discourages private sector investment, and it increases the regulation. Like I said, this bill is a good bill, it's a solid bill, it's one that the people out there want to see, a 5-year bill, not a 17- or 16-month extension.

□ 1520

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. All Members are advised to refrain from referring to one another in the second person.

Mr. RAHALL. Can you give us the time remaining, please, Mr. Speaker?

The SPEAKER pro tempore. The gentleman from West Virginia has 2½ minutes remaining, and the gentleman from Florida has 4½ minutes remaining.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts, a member of the House Appropriations Committee, Mr. OLVER.

Mr. OLVER. I thank the gentleman for yielding.

Mr. Speaker, America's whole economy depends upon the efficient movement of people and goods. A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper, and its influence on the economy is staggering.

Our auto manufacturing industry and its enormous parts-supplier base, the national network of gas stations and its complex distribution system, and the oil industry itself all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to the labor pool.

Furthermore, every good product produced or consumed in the U.S. must be transported via our network of roads, rails, and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Unfortunately, the 60-day extension Republicans offer on the floor today keeps our transportation system bogged down in a state of uncertainty. It slows down ongoing projects by only providing partial funding; it jeopardizes a major part of this construction season in northern States by hindering and delaying their ability to determine how many projects can be funded; and it shuts down the planning and design pipeline for future projects because they don't know what resources will be available.

Consequently, this being the ninth extension since 2009, State transportation programs are being forced to move forward only with projects that meet the lowest common denominator.

Mr. Speaker, if the Republican goal is to slow economic growth and keep unemployment high into the fall, this 60-day extension will accomplish that spectacularly.

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

Mr. RAHALL. I yield the gentleman 15 more seconds.

Mr. OLVER. I can think of nothing that would be more effective at slowing economic growth and keeping unemployment high.

Mr. Speaker, there is a better option. Bring it to the floor and let us vote on the Senate's multiyear bipartisan bill that was passed by a vote of 74-22, with majority support from both parties.

Mr. MICA. I have no further speakers, and I would reserve my time to close.

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

Mr. Speaker, to respond to the other side of the aisle about which party was in control when nothing was done or vice versa, whatever, as that side of the aisle knows, it takes so much to get the other body to agree on anything these days, to get the 60 votes necessary. It doesn't matter which party controls the other body; to get them to agree on something is difficult.

So I conclude by saying vote against these delays and pass the Senate bill.

I yield back the balance of my time.

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

Unfortunately, this has turned into, I guess, sort of a political "gotcha" game. If this was a sporting event right now, the umpire would probably come out, throw down the flag, and say a foul has been committed.

It's kind of sad that bipartisanship has become a one-way street. No one has worked harder than I have to try to accommodate the other side of the aisle.

Mr. Speaker, one of the former speakers said we had refused to work with the Democrats. That's not true. We took 60 percent of their recommendations. And one reason we took longer than I had hoped was to make certain that everybody had a fair and open opportunity. The process was completely open by going to the ranking member's district for the first hearing and all the way to the west coast.

In the amendment process, I told Members that everyone would be heard and everyone would have an opportunity to offer an amendment. Yes, we sat for 18 hours. We took over 100 amendments from the other side of the aisle, and each of them was considered with the respect and dignity that every Member of this body should have before everybody.

This is not true. Again, I just don't think it's fair.

Mr. Speaker, the gentleman from New York (Mr. BISHOP) came to the floor and said that I was the only one that had a copy of the bill. In fact, the irony of it is that Mr. BISHOP and his staff, everyone—in fact, all the Members were given a copy beforehand, which is twice the period of time in the past; and copies of the bill were distributed from his office, which he also admitted to in committee long before the bill came to the committee.

The Secretary said this is the worst bill he has seen, and it is for bureaucrats and for people in those tall buildings in Washington, because we're consolidating programs. We went from six core programs to 130. We have offices that we don't need, duplicate programs. Someone is trying to actually do reform.

Yes, we do substantial reform. They throw money at problems. We, at least, keep it level and we responsibly pay for it. But even when they threw money at things, like the stimulus that Mr. SHUSTER brought forward, 35 percent of the money and 2½ years later, that money was still sitting in the Federal Treasury because shovel-ready became a national joke; and it is a national joke



because of the red tape, the bureaucracy, all by those people who may lose their jobs in those glass buildings right here in our Nation's Capital.

Again, I don't think it's fair. I'm disappointed. We tried to do a 90-day bill. The House and the Senate are going to be out for 2 weeks for Easter. Then they come back, and one body is out and the other body is out and nobody is here. They weren't happy with 90 days, and we tried to accommodate the 60 days.

This is a political game of "gotcha," and it's unfortunate because there are many Americans who are counting on us for jobs and many people who have lost their home, particularly in the construction industry. They don't want rhetoric. They want action from this Congress. If we just had a cooperative effort on this, and true bipartisanship, we could get so much done for the American people.

I'm saddened in a way, but I tell you I've done everything I can to move this forward. For some of those people I've talked to that don't have a job, that have lost their homes and their life savings, we need to put a few of them to work. And we can if people would stop the nonsense and move forward in a responsible fashion.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, H.R. 4239, as amended.

The question was taken.

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

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

The yeas and nays were ordered.

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

□ 1530

#### FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

##### GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous materials on H.R. 3309.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 595 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3309.

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

□ 1533

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, with Mr. KINZINGER in the chair.

The Clerk read the title of the bill.

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

The gentleman from Oregon (Mr. WALDEN) and the gentlewoman from California (Ms. ESHOO) each will control 30 minutes.

The Chair recognizes the gentleman from Oregon.

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

Mr. Chairman, ladies and gentlemen of the Assembly, the communications and technology sector is one of the most competitive, innovative, and open sectors of our economy. From fiber optics to 4G wireless service, from the smartphone to the tablet, to the connected TV, this sector has been creating new services and new devices and high quality jobs that come with high-tech innovation and investment.

Now, despite a lackluster economy, wire line, wireless, and cable providers invested \$66 billion in broadband infrastructure in 2010. The U.S. is now leading in the cutting-edge wireless technologies. If we want this to continue, though, we need to avoid needless bureaucratic red tape and fix broken processes at the FCC.

Communications and technology companies and the public deserve a more transparent and responsive government agency, and that's exactly what the legislation before us now would accomplish, bringing transparency, bringing accountability to the Federal Communications Commission.

The bill is the fruit of the Energy and Commerce's own open and transparent process. Last May we invited the commissioners of the FCC to testify about improving their processes, and we heard from them about the process problems that have occurred at the agency when it's been headed by chairs from both parties. This is not about this commission. It may be about a prior commission, but it's about a systemic problem.

In June, staff released a discussion draft, and we held a legislative hearing with a diverse panel of experts representing industry, think-tanks, consumer groups, academia, and the States. We listened to what they had to say about the various ideas that were on the table, and we began to work to modify those ideas into something that was workable.

In response to the views presented at the hearings, as well as additional input from stakeholders and colleagues on both sides of the aisle, we refined the draft legislation.

Then, in November, the Subcommittee on Communications and Technology held an open markup of the bill at the subcommittee level. The text is there. Everybody had a chance to see it, everybody had a chance to work on it and amend it.

Earlier this month, the committee marked up the bill, the full committee did, with several bipartisan amendments that continued to improve the FCC processes. So, in large part, the FCC Process Reform Act asked the FCC to go through a process similar to what we just went through in the committee, on the Energy and Commerce Committee, to actually craft this reform legislation. And then we asked the FCC to implement the kinds of reforms that we implemented in this very House to avoid abuses that had taken place in the past.

Now, the FCC regularly issues final decisions without giving the public an opportunity to even review the text that they're considering. I want you to think about that for a moment. They actually issue final decisions without giving the public an opportunity to review the text.

We don't operate that way in the House, at least not anymore. The transition team that Speaker BOEHNER asked me to chair after the last election adopted a requirement that people have time to read the bill. A 3-day lay-over provision's in place in this House now so that the public has a chance to read the bills, we have a chance to read the bills, the press corps in the gallery behind us has a chance to read the bills.

What's wrong with asking a Federal agency that writes regulations that affect one of the most dynamic industry in our Nation—what's wrong with asking them to make their text available? We do that in this legislation.

Let me tell you part of the problem here. Last October, the agency introduced more than 100 new documents into the record of its universal service proceeding in the last few days of public comment. Giving the public as few as 2 days to comment on thousands of pages of new data isn't right. These are some of the drafts of documents right here behind me in these binders. Can you imagine, in 2 days, you're supposed to evaluate everything there?

As the president and CEO of the Wireless Association said, there are other elements of H.R. 3309, such as the provision aimed at preventing data dumps—this we would call a data dump—right before an item goes on sunshine, that would represent significant improvement in the regulatory process. Sensible regulatory policies can contribute to the wireless industry's ability to continue serving as a catalyst for innovation, economic growth, and job creation.

So we're trying to get the commission not to do data dumps, to be more transparent. The bill would require the FCC to provide the public a minimum amount of time to review filings and

comment on proposed rules. It is your business, after all. The agency ought to let you have a chance to participate.

Now, unlike executive agencies, these are the ones under the direct command and control of the President of the United States. The FCC never assesses the costs and benefits of regulations. Not required to, so they don't do it always. They can, but they don't.

Now, President Obama issued an Executive order that required executive agencies to actually assess costs and benefits of every single regulation they issue. That's from the President of the United States. And his Executive order requires a more stringent test for major rules. These are the ones affecting the economy in the area of, like, \$100 million.

The FCC is not one of those executive agencies. It does not have to follow what the President of the United States tells the other agencies to do because it's an independent agency. So everything the President's asking all the other agencies to do, in this legislation we're saying, FCC, you should do it as well.

Now, President Obama appointed a jobs council. How do we make America more competitive? How do we improve the processes that really drive economic growth?

That jobs council called on this Congress last year to require independent agencies like the Federal Communications Commission to actually conduct a cost-benefit analysis before putting more red tape on industry. Go find out what it's going to cost to do what you propose to do.

Now, I want to make it clear. We didn't require the FCC to do the more onerous test that the President requires. The bill is less onerous than his own Executive order because it takes a lighter touch regulation applied to all regulations and applies it to the FCC's major rules. So we ratchet it down.

We're not trying to overburden this agency, but if every other agency of the government can do a cost-benefit analysis and even do a higher, more sophisticated level, what's wrong with asking the Federal Communications Commission to do a light-touch review of costs and benefits?

And you'll hear arguments that this is all brand new stuff, that it's never been done before, can't be done. By golly, we're going to litigate for 15 years. The whole world's going to end.

Look, this uses language right out of President Obama's order. The bill requires for major rules "a reasoned determination that the benefits of the adopted rule, or the amendment of an existing rule, justify its costs, recognizing that some benefits and costs are difficult to quantify." That's in our language. It's also in the President's language, taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives.

□ 1540

Virtually all of that language I just read to you is what the President of the United States has put as a requirement on the Agencies over which he has direct control. We're saying the FCC is under our control as an independent Agency. We're sort of the mother ship for the FCC as the Congress. It's up to us to carry out these provisions. They're good public-policy changes.

The FCC has a substantial backlog that affects small businesses and consumers—4,984 petitions, 3,950 applications that are more than 2 years old. All across the country people have been asking the FCC to take actions, to solve things, to come to decisions. They do it in a clouded, behind-the-curtain sort of way. And you sit on the outside as the public trying to grow jobs, invest and innovate, and you wait. You wait.

Two years is a lifetime for an entrepreneur in the communications marketplace. My wife and I were small business owners for 22 years. We were broadcasters. We've been before the FCC. We're not in that business anymore, been out of it since December of '07. So this isn't about me, except I've witnessed what you have to deal with so I'm trying to fix it here. 1,083 consumer complaints are more than 2 years old. The FCC has done nothing on them.

The bill requires the FCC, therefore, to set shot clocks for decisions so the public will know when to expect an answer. We don't tell them the length of those shot clocks or how they should be done. We're just saying look at your workload and give the public a gauge of when you will reach a decision. You decide the decision. You decide how long those shot clocks will be because you know better in terms of the management flow of your workload what's appropriate, but set some timelines.

In recent years, the FCC has leveraged its authority to review transactions to accomplish unrelated policy goals and insulate its rulemakings from judicial review. Now, what does that mean? It does so through last-minute side deals with applicants that are often not disclosed until just a few days or even hours before the FCC approves a deal. One problem with these voluntary commitments is they're not voluntary.

If you're trying to get the FCC to approve your transfer of license, the FCC, in recent years, has used that approval authority to go way beyond any statutory authority they have to issue rules in an area and they hold you hostage. Outside of the portals, we'd call it extortion, probably. Because what they do is say, look, we only have authority here to decide on transferring your license, that's true. Yeah, we're looking at that. But we want you to go off here and agree to do all these other things—over which we have no authority to mandate that you do them. We could not do a rulemaking if we wanted to

because we don't have the authority under the statute to do it. But, by the way—wink, nod, twist your arm—if you don't, and you don't call it voluntary, then you can probably kiss this merger good-bye.

I don't think that's an appropriate role for the Federal Government. Nobody in this Chamber should support that kind of activity; and yet if you oppose this bill, in effect you're supporting that activity.

Now, I know there are some companies out there who aren't real wild about this because they see this as an ability to affect their competitors. Because they say, oh, that's great, we'll twist them at the FCC and we'll force them to do things the FCC couldn't force them to do on their own absent a merger or condition outside of their regulatory and legal authorities, and we'll get a little edge in the market, we'll put our finger on the scale. That's what happens. That should stop.

Some argue we should not treat the FCC differently from other Agencies. Well, in effect, that's what's happening today. Every other Agency is being directed by the President of the United States to do these things we're directing it to do through this legislation. But because it is different, it is an independent Agency, none of what the President is suggesting can be applied to the independent Agency.

Now, they say, well, we're going to do this on our own. Well, they may. And, frankly, the chairman of the FCC right now, Julius Genachowski—I've spent a lot of time talking to him—he has done some really excellent reforms. But the day he leaves and a new chairman comes in, all those could be wiped out. I think this needs to be in statute so we have good processes and procedures going forward, regardless of who controls what around the FCC in the future.

The FCC does act differently. Now, the Federal Energy Regulatory Commission, known as FERC, is a similar independent Agency, but it doesn't operate this way. It actually puts the text of its proposed rules out for the public to see before it votes on it. It actually builds its case before it makes its decision.

We have an issue going on right now where I've asked the FCC to give me the document they actually voted on as part of this effort on the Universal Service Fund rewrite versus what came out the back end when they were finished weeks later: 751 pages of regulations. They won't give me documents. You see, it changed behind the curtain. They circulate it around in private. They edit it. They've issued their press release and said, here's what we're doing, and then they change it. And then you wait. So the public doesn't have a chance to see what they're actually considering until it's too late and it's final. I think that's wrong.

Both sides of the aisle are for institutional reform at the FCC. Former White House adviser Philip Weiser said

that the agency “is in dire need of institutional reform.” State commissioners have been calling for the reform of the FCC rulemaking process for years. In fact, the National Association of Regulatory Utility Commissioners—these are the people who are looking out for the ratepayers and the consumers; that is their job—endorses several provisions of this bill, including the actual language of the proposed rule be published for comment; specify a 60-day comment cycle; mandate that all commissioners have adequate time to review any draft decision before voting on it; and on and on. This is good, solid government reform legislation.

It does not protect the status quo. It does not say to the FCC, keep doing what you’re doing, you’re doing it great. Because some of us came here to change how the Federal Government operates in Washington to open up the process and make it more accountable and transparent. That’s what this legislation does.

With that, I reserve the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to H.R. 3309.

Essentially, this bill guts the Federal Communications Commission, the FCC, by requiring new onerous process requirements which will result in an Agency that’s less effective, less agile, and less transparent, the opposite direction, I think, of where we all want to go.

As ranking member of the Subcommittee on Communications and Technology, I want to thank the chairman for the work that he has done with us. He has always been very respectful, and the process I think has been a good one.

Democrats support modernizing the FCC because we want to enable the Agency to operate with increased openness and transparency, as I said. But, unfortunately, the bill doesn’t accomplish these goals. Over the past year, our subcommittee has heard from countless industry representatives, administrative law experts, and public interest advocates; but there aren’t any public interest advocates that support this bill, which I think in and of itself is instructive.

□ 1550

Amongst those experts the chairman mentioned is Phil Weiser, dean of the University of Colorado Law School, who is often cited and who has implied that adopting some of his proposed reforms is the way to go; but Dean Weiser tells us “passing this law would be a grave mistake.”

Yet, despite the feedback of a bipartisan group of administrative law experts who suggested that this legislation could tie up the FCC in 15 years of litigation—that’s a real job creator for lawyers—the House is going to vote today on this, on a bill which requires unique statutory mandates that apply only to the FCC, thus altering the way in which the FCC reviews transactions

and exposing the Agency to new litigation risks.

H.R. 3309 mandates that the FCC undertake a cost-benefit analysis of any rule with “economically significant impact.” This requirement ignores the fact that the FCC already takes into account the impact of its rules on small businesses. Then to add insult to injury, the CBO estimates that, if enacted, H.R. 3309 would cost \$26 million and require the agency to hire an additional 20 employees to handle the new rulemaking, reporting, and analysis activities required under the bill.

The chairman has said, well, it’s a fee-driven agency. Fees from businesses? Fees from anywhere. It’s still going to cost \$26 million more and will add more to the bureaucracy that I think the majority really doesn’t have much affection for. For nearly 80 years, the FCC has operated as an independent agency, responsible for regulating interstate and international communications by radio, television, wire, satellite, and cable. By most accounts, the FCC continues to innovate and implement reforms. The chairman was very gracious to outline what Chairman Genachowski has done under his leadership, including removing 120 obsolete regulations, drastically reducing the number of pending applications, and taking steps to increase transparency and stakeholder participation.

So, for all of these reasons, Mr. Chairman, I don’t believe that H.R. 3309 is the solution, and that’s why I am urging my colleagues to oppose this legislation even though there are some parts of it that I support. We need to ensure that the FCC’s ability remains to protect consumers and to ensure a competitive marketplace in the years to come.

With that, I reserve the balance of my time.

Mr. WALDEN. Mr. Chairman, I now yield 2 minutes to the gentleman from Illinois, the original cosponsor of this legislation, Mr. KINZINGER.

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman, and thank you for the time to speak on this very important piece of legislation.

Having the opportunity to help lead the effort in committee and now on the House floor to get FCC process reform passed is something I am passionate about because I feel that this legislation will make great strides towards improving the predictability, efficiency, and transparency of the FCC and its operations.

A common theme I’ve witnessed throughout my time here in Congress is that of bureaucrats coming up with solutions in search of problems. In terms of the FCC in particular, I feel that they sometimes do so without following a standard set of procedures, statutory law, or regulatory guidelines. I believe this can be seen in some of the recent mergers in which certain concessions have been extracted from the concerned parties in order to push

the wills of those at the Commission. This is not the way to run what should be an open and transparent rulemaking process.

Government transparency is a major key to gaining the trust of the public, and this legislation will put into place some really commonsense reforms. Key among those is telling the FCC that they must publish the specific text of the proposed rules for all to see before the adoption of those rules. They must also allow enough time for the public to comment on those proposed rules so that their voices can also be heard.

I have seen that Chairman Genachowski has made some very good progress in implementing much of what is in this legislation, but the fact of the matter is that many of those efforts are done at his discretion and are no longer in place when he leaves. Statutory and regulatory authority should be what moves the decision-making process of the FCC, and I believe the efforts of this bill will put the FCC in line with the intent of Congress.

Ms. ESHOO. At this time, I yield 5 minutes to the ranking member of the full committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman and my colleagues, today the House is taking up H.R. 3309, which the Republicans say is a modest proposal to make the Agency operate more efficiently. I could not disagree more strongly. This bill would not reform the FCC. It would disable it.

The bill erects procedural hurdles that make it more difficult for the FCC to protect consumers. It strips the FCC of its power to ensure that mergers between telecommunications companies are in the public interest. If this bill is enacted, it would stymie the ability of the Agency to do much of anything except to produce reports for Congress. Although I have many problems with the bill, I have three major concerns I want to highlight.

First, it creates a new set of procedures for the FCC. For more than 65 years, the Administrative Procedure Act has governed administrative agencies across the Federal Government. This bill creates a special procedural set of rules for the FCC alone. Let me give you an example.

The bill requires the FCC to include in every notice of proposed rulemaking the specific language of the proposed rule. Although this should be a best practice—and the Genachowski FCC does it 86 percent of the time—it makes no sense to strip the Agency of flexibility and require it to do it in every instance.

Just last week, the FCC adopted unanimously a notice of proposed rulemaking on interoperability requirements in the 700 megahertz spectrum. It did this without including the specific language of proposed rules. As Republican Commissioner Robert McDowell stated, it made sense to refrain from including draft rules because “putting forth proposed rules at

this delicate stage may only distort the private sector's creative process." He added that the open-ended nature of the notice allows the Commission to "elicit greater insight regarding the costs and technical feasibility of potential implementation."

Administrative law experts have ridiculed the provisions of this bill. One said: "Why would anyone want to tie the Agency up in knots like this and subject it to endless challenges?" Another told us that industry lawyers would have a "field day" in challenging and in delaying FCC actions. Other experts told us it could take 15 years of litigation for the courts to clarify the meaning of the new requirements in the bill.

Even the Congressional Budget Office agrees that this bill would wrap the FCC up in red tape. According to CBO, the Agency "would require 20 additional staff positions to handle the new rulemaking, reporting, and analysis activities required under the bill."

Secondly, this legislation alters fundamentally the way in which the FCC reviews transactions to ensure that they are in the public interest. Under current law, the FCC is directed to protect the public interest when reviewing proposed mergers. This bill would curtail this authority significantly. The bill strips the FCC of its authority to require merger conditions that promote broadband adoption, require minimum broadband speeds, require the repatriation of jobs from overseas, or ensure broadband coverage in rural or low-income areas. Conditions to protect smaller companies from harm could also fall by the wayside.

This is not process reform but is a fundamental assault on the FCC's authority to protect the public interest.

Finally, H.R. 3309 gives telephone, cable, or wireless companies vast new tools to tie the Agency up in litigation for years if they don't like what the Agency is doing. It does this by making all the regulatory analyses that accompany a regulation subject to judicial review.

□ 1600

Well, if it's AT&T or Verizon or some other company that's subject to a regulation, they could sue the Agency on the grounds that the cost-benefit analysis was deficient or the analysis of the market failure was inadequate or the Agency failed to consider alternatives to regulation. These lawsuits, which no other Agency in government would face, could effectively paralyze the FCC.

The Acting CHAIR (Mr. SCHOCK). The time of the gentleman has expired.

Ms. ESHOO. I yield the gentleman an additional 15 seconds.

Mr. WAXMAN. Democrats want to work with House Republicans to develop bipartisan Federal communications policies to help our economy and the American public and to make sure the FCC is doing its job. But we can't do this when the only proposals that

are brought to the House floor would turn the FCC watchdog into a lapdog for industry. We should stop wasting time on ideological fights and start cooperating together. Otherwise, this will be another House-passed bill that will not go anywhere in the other body, will not become law; and it is for good reason that it shouldn't.

Mr. WALDEN. Before I yield to the vice chairman of the subcommittee, I just want to make a couple of corrections here to at least explain things.

The Federal Communications Commission would still have the public interest standard that it has today to deny a transfer if it's not in the public interest. We don't take that away. We don't take that away.

And on interoperability, the ranking member talked about this interoperability standard the Commission is now taking up. Ironically, that actually was first raised as part of a request by some to include in the AT&T-Qualcomm merger. Instead, the Commission actually did the right thing. It, in effect, is doing a notice of inquiry. It says, Before we do draft rules, let's go out and survey the marketplace and find out what the issues are. Then the next logical step is to come back with a notice of proposed rulemaking, i.e., the draft rules. This is what we are suggesting occur as regular practice as a result of this legislation.

Now I would yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), the distinguished vice chair of the subcommittee.

Mr. TERRY. I thank the chairman.

Mr. Chairman, may I submit that my friend, who just spoke on the other side, maybe was a victim of some poor staff work that took some liberties to revise and extend the real bill that we are debating here today because, frankly, the reforms here are fairly practical and necessary.

What this really does is puts into the process of developing rules some simple changes that we think are reasonably necessary, keeping in mind that transparency is the key. So, for example, let's take the recent USF reform rule that came out. I have been active in USF, Mr. Chairman, for several years trying to get some of these reforms done through Congress. It was taken up through the FCC process. I was anxious to see the proposed rule and was very disappointed when it was basically a rough outline of what turned out to be then passed. Then several days later, or weeks later, the full order came out, 750 pages.

Now, don't you think that if you are going to vote on a proposed rule that you would know what the rule says before you vote on it? It seems rather simple, and I would expect that people that are watching this debate would think that a bureaucracy issuing a proposed rule, that there would actually be a transcript of the rule. So we're just asking for simple things like that.

And last, during this proposed rule, there's a time for comment. And at the

end of the comment period this last time—and this is why a shot clock is really necessary—the FCC then dumped volumes of documents that it said it was going to use as evidence in this process, giving people 48 hours.

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

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

Mr. TERRY. The only ones that are least disadvantaged by that are the biggest entities that have a houseful of lawyers that could go over it and read it. Rural Nebraska doesn't have the opportunity to do that and reply. So giving them sufficient time to review that just makes common sense.

Ms. ESHOO. Mr. Chairman, earlier the chairman of the subcommittee said that the bill doesn't change the public interest standard for reviewing mergers. That simply is not the case. The bill does change it. It alters the ability of the FCC to impose conditions for the public interest, which is a very serious issue.

I would now like to yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman emeritus of the Energy and Commerce Committee and dean of the House of Representatives.

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

Mr. DINGELL. Mr. Chairman, I will begin by praising my good friend, the chairman of the subcommittee. It is just that he has brought us a bad piece of legislation. It should be rejected instantly by the House of Representatives because it does nothing to help anything. I refer to the Federal Communications Commission Process Reform Act, which it is not.

Time and time again, we Democrats accuse our Republican colleagues of passing bills that are in search of problems. I would like to say that this is the same. But worse than that, I can say that we have before us a bill that is a prime example of trying to cure the disease and kill the patient at the same time.

In point of fact, H.R. 3309 would take the FCC entirely out of the Administrative Procedure Act and make it subject to a unique set of procedural requirements totally understood by no one. And there will have to be a bunch of lawyers hired, as the gentleman from Nebraska has pointed out, because they're sure going to need them to understand what has been done.

Everybody in this Chamber should have real fears about turning over 60 years of solid administrative jurisprudence and standing it on its head and how that will bring about disastrous results not only to the Commission but to all of the entities regulated by that body, because nobody is going to understand what this has done.

Mr. Chairman, Charles James Fox wrote something called the "India Resolution" in 1783. It goes as follows: "Resolved, that we have seen your work, and it will not do." H.R. 3309 evokes the same sorry sentiment.

My friends on the other side of the aisle like reminding me that no Democrat has been a bigger critic of the FCC than I have. They're right. But that doesn't necessarily mean that I agree with what they've proposed to do in H.R. 3309. Instead of passing a bad bill which they don't understand, on which no adequate hearings have been held, and on which the industry is scared to death, we should get down to the business of having decent proceedings in which we would go into this matter thoroughly as a matter of oversight, to compel the Commission to come forward to address the question of their accountability, of their transparency, and of their regulatory consistency.

This Commerce Committee has skinned many cats in my days with that authority, and by the great horn spoon, we could do it again. But we shouldn't come on the floor waving a silly bill like this around which is going to do nothing to benefit society and which the committee doesn't understand and cannot explain.

Now, if I have got any time left, I will yield to my friend from Oregon.

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

Mr. WALDEN. If the gentleman would yield, the only comment I would make is, we did have hearings on this legislation.

Mr. DINGELL. Of course, but they didn't relate to the matters that you have brought before the House at this time. You can't explain what's in this bill, and nobody here knows what it does.

□ 1610

Mr. WALDEN. We can easily explain the bill. We know what's in it. We've had a lot of work on it. We've done public hearings. We've listened to people. We've modified it to accommodate some of the great suggestions we have. We have bipartisan pieces in this bill. And the Commission still has the authority to deny transfers of broadcast license. They just can't go outside of their statutory authority to promulgate rules and kind of grab other issues and force people to do things that they couldn't do under their statutory authority.

I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. Mr. Chairman, I rise in strong support of H.R. 3309, the FCC Process Reform Act, and I would like to take a moment to commend Communications and Technology Subcommittee Chairman GREG WALDEN for his leadership on this legislation and his diligent work in moving it through regular order.

Among the many reasons that it is necessary to make statutory reforms at the FCC, I would like to speak to one particular aspect of this legislation that I think is critically important to improving the way in which the FCC operates.

H.R. 3309 will require the FCC to establish shot clocks to set timelines to

compel the Commission to act. Under current law, where shot clocks are not compulsory, inconsistencies at the FCC continue to plague the telecommunications industry and have placed unnecessary burdens on our job creators. For example, there's an Atlanta-based company by the name of Cbeyond that specializes in providing IT and communications services to small businesses across the country. They employ, Mr. Chairman, approximately 1,600 people, and like many employers within the industry, they're forced to wait on the whims of the FCC. Unfortunately, many case proceedings linger for years with no resolution, and this stifles growth for companies within the telecommunications industry.

Just over 2 years ago, I, along with our former colleague and now Governor of Georgia, Nathan Deal, sent a letter to the FCC asking that they look closely at broadband infrastructure initiatives that would bolster one of our greatest assets for economic recovery—small businesses. In that letter we referenced a petition filed in November of 2009 that is now part of an FCC proceeding commonly referred to as the Business Broadband Docket, which is a proceeding focused on broadband infrastructure used to serve small businesses. Mr. Chairman, both the petition and the Business Broadband Docket remain pending at the FCC—not only with no resolution, but also no movement toward any conclusion.

This behavior by the FCC is unacceptable and has occurred under both Democrats and Republicans. This anecdote highlights the need for a shot clock placed on the FCC. Not only do these shot clocks need to be established, but they also need to be honored. This alone will make the FCC work in a more efficient manner by creating more regulatory certainty in the telecommunications industry.

I urge all of my colleagues to support establishing a shot clock at the FCC and support H.R. 3309.

CONGRESS OF THE UNITED STATES,  
Washington, DC, February 16, 2010.

JULIUS GENACHOWSKI,  
Federal Communications Commission,  
12th Street, SW., Washington, DC.

DEAR CHAIRMAN GENACHOWSKI, As you know, the American Recovery and Reinvestment Act requires the FCC to develop a national plan to ensure that all Americans have access to broadband and the FCC must deliver its plan to Congress by March 17, 2010. The plan also must provide a strategy for achieving maximum utilization of broadband infrastructure and greater affordability of the service for all Americans.

As our country grapples with the worst unemployment numbers we have faced in decades, it is critical that we do all we can to assist small businesses, the driving force of our economy. Yet continuing to add to the deficit is not the solution. The proposal Mr. Geiger outlines in the attached Opinion Editorial would not require any additional federal spending, and incumbent local exchange carriers would be permitted to provide access to competitors at retail rate.

This proposal would allow telecom innovators to gain access to the bandwidth necessary to push efficiency-enhancing,

cloud-based applications to small businesses, applications such as virtualized desktops, hosted digital image and file management, high-resolution video conferencing, broadcast/live video streaming, robust data protection, cloud-based backup, and sophisticated video security systems. These advanced applications would lower start-up costs for small businesses and enable them to implement their business plans, innovate and create jobs. At the same time, the incumbent local exchange carriers would sell more bandwidth at the same prices as they sell to any other customer.

The National Broadband Plan presents an opportunity for the FCC to bolster one of our nation's greatest assets for economic recovery—small business. As members of the House Energy and Commerce Committee which has jurisdiction over this issue, we are hopeful that the FCC's National Broadband Plan will include broadband initiatives which will specifically address the broadband needs of our small business community.

Sincerely,

NATHAN DEAL,  
Member of Congress.  
PHIL GINGREY,  
Member of Congress.

[From the Atlanta Journal-Constitution,  
Dec. 20, 2009]

OPINION: A CASHLESS STIMULUS FOR SMALL  
BUSINESS

(By Jim Geiger)

With the unemployment rate hovering around 10 percent and our economy still mired in recession, we need our small business innovators and job creators now more than ever. Yet another round of fiscal stimulus shouldn't be the only option, particularly when recent polls indicate many Americans are growing increasingly wary of adding more to the deficit and our national debt.

So what else can the Obama administration do to help small businesses? Simple: the government can quickly adopt a few sensible rule changes that will unlock the job-creating potential of broadband businesses and drive market-based investment in innovative technology. Call it a "cashless stimulus."

The problem is that small businesses lack access to the most effective telecommunications applications—those used routinely used by larger firms. Why? The existing regulatory structure allows the big phone companies to preserve market share by denying competitors access to fairly priced bandwidth. The result is that the companies best able to build the innovative applications small businesses need to grow and compete are unable to access the bandwidth necessary to deliver those applications.

I should know: my company, Cbeyond, provides broadband applications exclusively to small businesses. Back in 1996, Congress enacted far-sighted legislation that promoted competition in the telecom markets, and that action drove years of investment, innovation and growth across our industry. New competitors introduced small businesses to innovative technologies that the Bell providers had deliberately delayed deploying for fear of undermining the monopoly profits they made from slower, older technologies.

But the age of innovation and investment in broadband technology ended several years ago. The Bush administration adopted rules that had the perverse effect of locking small businesses into the broadband status quo of six years ago, undercutting the normal business cycle of innovation and denying small businesses benefits they should have received as broadband technology improved. These rules leave the rollout of the best broadband technologies almost exclusively

to the large enterprise customers; telecom competitors—the companies that were once the catalysts of innovation—are left trying to serve small businesses, the jobs engine of our economy, with antiquated technology.

For example, because the Bells hoard the bandwidth they control, small businesses cannot hope to match large enterprises in the emerging field of cloud computing. Nor do current FCC rules allow small businesses the efficiencies and cost-savings of high-resolution video conferencing, highly secure data protection and sophisticated video security systems.

Broadband applications like these don't get delivered to small businesses because the most innovative competitors are denied access to the bandwidth necessary to support them. Small businesses have no choice but to try to use 20th century business tools to create new jobs in a 21st century global marketplace.

This is not a minor issue. Small businesses inject almost a trillion dollars into the economy each year. They have created more than 93 percent of all new jobs over the last twenty years and employ more than half of the U.S. workforce. They also employ 41 percent of the nation's high-tech workers who generate about thirteen times more patents per employee than do workers at large firms.

Hence the opportunity for the administration to adopt a "cashless stimulus": the FCC can fix this problem simply and almost without cost. The FCC should require the Bell monopolies to sell—at retail prices—the bandwidth necessary for competitors like Cbeyond to provide next generation broadband applications to small businesses.

With new broadband rules in place, services like cloud computing could replace high-end desktop computers. Small businesses could look to carriers for affordable, offsite data security instead of paying more for on-site services. Reliance on expensive and inefficient travel for in-person meetings would give way to high-resolution video conferencing. Start-up costs for small businesses would fall as the hardware necessary for running their operations moved off the business premise and into the cloud. The list goes on and on.

It's time we took advantage of the one approach to economic recovery that doesn't come with a long-term economic cost.

Ms. ESHOO. Mr. Chairman, I would like to inquire how much time we have remaining.

The Acting CHAIR (Mr. YODER). The gentlewoman from California has 17¼ minutes remaining. The gentleman from Oregon has 9¼ minutes remaining.

Ms. ESHOO. Thank you.

At this time, I yield 4 minutes to a very distinguished and valued member of the subcommittee, Mr. DOYLE of Pennsylvania.

Mr. DOYLE. Thank you to my colleague and friend, ANNA ESHOO, the ranking member of the Communications and Technology Subcommittee, for yielding.

Mr. Chairman, I rise today in opposition to H.R. 3309, the FCC Process Reform Act. This legislation would place severe procedural burdens on the FCC at a time when telecommunications is such a major part of the lives of my constituents and the American public. H.R. 3309 would create harmful restrictions on the FCC's ability to enact consumer protections, and it could also limit the Agency's ability to respond

to communications-related emergencies and cybersecurity threats.

One of the restrictions imposed by H.R. 3309 is a requirement that the FCC issue a Notice of Inquiry before the Agency begins work on an actual rulemaking unless the FCC can demonstrate that a Notice of Inquiry is not necessary. A Notice of Inquiry, Mr. Chairman, is basically an information-gathering exercise that lets the public know about the FCC's intention to examine an issue and collects initial comments from stakeholders. While in many cases a Notice of Inquiry is a very important part of the FCC's rulemaking process, a congressional mandate to conduct a Notice of Inquiry in every FCC proceeding would be an enormous procedural burden for the Agency.

Mr. Chairman, I'm concerned that the potential impacts of this legislation have not been fully considered.

If I could, I would like to share just one example of the harmful potential consequences this legislation would have, even for bipartisan goals.

Last year, Congress enacted a bill that I authored to create more community-run radio stations around the country. This bill was broadly supported by both sides of the aisle because so many of our constituents will benefit from more news reporting on local issues and emergency responses. The FCC is currently implementing that law and expects to open a window for radio station licensing sometime next year. But provisions in H.R. 3309, such as the requirement for a Notice of Inquiry, could slow down the implementation of this law and many other rulemakings by several years by adding procedural hurdles for the Agency to jump through before it can implement rules.

In the case of my legislation, the FCC would have to delay its licensing window because of an unnecessary Notice of Inquiry, forcing communities to wait longer to get their new radio stations. I think most people would find this kind of delay very frustrating. And this is just one example, Mr. Chairman. In the case of more contentious policy issues, this bill would create years, maybe decades of deadlock at the FCC.

Mr. Chairman, we don't have to look very far this week to witness that our Nation's laws and regulations are already being extensively litigated in the court. This legislation would open up the FCC's process to even further litigation, and it would severely limit the FCC's ability to protect consumers and create new rules.

I urge my colleagues to oppose this bill.

Mr. WALDEN. Mr. Chairman, before I yield to my colleague from New Hampshire, I just want to point out that we're not quite understanding the bill here on the other side because we do allow the FCC to maintain flexibility where necessary. The bill only requires the Notice of Inquiry on new rulemakings. The requirement does not

apply to deregulatory rulemakings. And the FCC may waive the Notice of Inquiry in emergencies or where conducting both a Notice of Inquiry and a Notice of Proposed Rulemaking would be unfeasible.

So we tried to put some balance in here. But what's wrong with having the FCC, even in that case as raised by Mr. DOYLE, take 60 days? They can decide how long this is and go out survey the market and say what effect and what are the issues and then come back and then they write their rules. It's like us having a hearing. This isn't a burdensome requirement.

I yield 1 minute to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. Mr. Chairman, I thank the gentleman from Oregon for yielding to me. He's a cosponsor of this legislation. I'm pleased that the House is considering it. It's important to reform procedures at the FCC.

H.R. 3309 will improve the transparency, fairness, and consistency of this regulatory agency with oversight over telecommunications and technology and will provide certainty to these markets that are so critical to our Nation's economic recovery and growth. Indeed, over the past 8 years, landline, wireless, and cable providers have vested more than half a trillion dollars in broadband infrastructure. This investment has created countless jobs for our Nation and has positively affected our economy many times over.

H.R. 3309 contains the commonsense and nonpartisan thrust of ensuring transparency and accountability of unelected bureaucrats by applying the regulatory reform principles endorsed by the President's own January, 2011 Executive order.

Establishing clear timeframes for requiring the FCC to perform a cost benefit analysis before implementing new regulations will provide our Nation's small businesses and innovators with the regulatory certainty necessary to invest and create new jobs.

I urge passage of this important legislation.

Ms. ESHOO. At this time, I yield 3 minutes to the man that I call Mr. Telecommunications, the real expert in the House of Representatives, the gentleman from Massachusetts (Mr. MARKEY).

□ 1620

Mr. MARKEY. I thank the gentlelady so much.

I think all of us on the Democratic side would agree that if there were a way to streamline and strengthen the FCC's procedures, and if we could find a way to improve the way in which it carries out its duties, well, we would support that. However, the aim of the Republican legislation is not to streamline the Federal Communications Commission; it is to straitjacket the Federal Communications Commission. This is a bill which would severely restrict the Commission's ability to operate effectively.

If this bill becomes law, then the "FCC" would stand for "Fully Constrained Commission"; and that, ladies and gentlemen, is the goal of the Republicans in this legislation. It would establish a separate administrative process to govern the FCC's internal operations that would be different from and more cumbersome than any other Agency's in the entire Federal Government, without producing any policy benefits.

Now, we know who supports the bill. AT&T, big companies, they support this legislation. We also know who opposes this legislation. Every consumer group and every public interest group in the country says this is a particularly bad bill from a public interest perspective. But if you're AT&T, if you're a big company, you'll love this. This is going to tie the Commission in knots. You can continue to do whatever you feel like doing indefinitely because the Republicans have decided to create the most cumbersome—the most cumbersome—regulatory process of any Agency in this country.

They're a model. They're pioneers here, the Republicans out here on the floor. They want to create the most modern "redtape, tie them in knots" agency possible with the hopes that other Federal Agencies would wind up emulating them. And it's going to be the first jobs bill that the Republicans have passed so far in this Congress because this bill is going to create so many jobs for lobbyists, so many jobs for lawyers, and so many jobs for all of the people who are now going to be put to work trying to untangle and untie this mess of a bill of a regulatory Agency that is going to be created by this process.

So, ladies and gentlemen, this bill takes the public interest standard, the public benefits that have always been the test of whether or not the Agency can, in fact, make a decision that ensures that the interests of all Americans are being protected, and turns it into something which is going to wind up with a harmful, drastic departure from current law.

This bill is a wolf in sheep's clothing. Vote "no."

Mr. WALDEN. Mr. Chairman, I've never heard a finer defense of a broken bureaucratic process than I've just heard.

Let me point out that the National Association of Regulatory Utility Commissioners—now, these are the folks who stand up for consumers and ratepayers—again, support many of the proposals in this bill. Specifically, they point out that the minimum 60-day comment cycle is good, the mandate that all commissioners have adequate time to review any draft decision before voting on it is good, and to require the actual language of a proposed rule to be published for comment is a good idea.

Again, the President's own Executive orders ask for these things in many cases to be done to the other Agencies,

but he can't do it to this one. It's our job to do it here and to fix, reform, and drive for accountability and transparency against those who defend the bureaucracy as broken as it is.

I now yield 3 minutes to the gentlewoman from Tennessee, an extraordinary member of our subcommittee, Mrs. BLACKBURN.

Mrs. BLACKBURN. I thank the gentleman for yielding.

I find it so interesting, as we are here debating this bill, that this is only a 21-page bill. And I don't find, Mr. Chairman, in this bill, I don't find the words "constrained" and "strait-jacket" anywhere. It does not exist in this bill. And as I've heard my colleagues talk about this bill, I think that they have not read the bill. So, unlike the 2,300-page bill that is being debated at the Supreme Court across the street, I would encourage them to pick up this little 21-page bill and give it a read.

I've also found it very interesting: the White House and this administration like to say transparency is the cornerstone of their administration, but I have seen them going to just extreme lengths, it seems, the White House and the Senate, to block bringing this process reform bill forward.

Yesterday, the White House released its Statement of Administration Policy, saying, and I'm quoting: "It is generally recognized that the FCC has improved its practices and procedures to make it more effective."

But the truth is, in the last 50 years, what we have seen is that their rules and regulations, their impact, their footprint, has grown 800 percent—not doubled, not a little bit a year, 800 percent. That is why we need this bill, and I commend the chairman for bringing the bill forward.

Let me tell you a few things that this bill does. I think that they are common sense. It would do a few things like allowing more time for public comments.

Well, my constituents want more time to weigh in on these issues. As they find out about these issues, more time is a very good thing. Measuring the Agency's performance with scorecards, our children have report cards. Knowing where you are and what you're doing and what kind of goal you're trying to reach, that is very healthy. That is a good thing.

Making sure the Agency doesn't attach extraneous regulations and conditions on business transactions, we're talking about jobs and the effect of regulation on jobs. It is such a positive thing to pull back regulation and free up free enterprise. That is what we should be about is making certain that we can move forward on these issues.

Requiring the Agency to do cost-benefit analysis for rules that cost more than \$100 million, well, how about that? Cost-benefit analysis. Is a rule going to be worth the cost? Is it going to be worth the effort, or is it going to be too expensive to afford?

My goodness, we've had all sorts of things that they're too big to fail and

too expensive to afford, so let's certainly make sure that we are evaluating these rules before they get put onto the books and before they have force of law. Let's make certain that we pass this reform bill.

Ms. ESHOO. At this time, Mr. Chairman, I would like to yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. This is a bad bill. H.R. 3309 would create a special set of very vague and unique procedural hurdles for the FCC that apply to no other Agency. It will result in decades of litigation.

We have to have simplicity, and we have to have clarity. This legislation will open up the floodgates of confusion.

It significantly reduces the FCC's ability to take the public into account, and that is the fundamental interest that should be on the minds of this Congress.

It provides endless routes for potentially misguided litigation making every single one of the FCC's regulatory analyses in support of a new rule, not just the rule itself, subject to judicial review. There's going to be regulation or not regulation. This legislation means there's endless litigation.

These requirements would also amend the Communications Act to mandate how the Agency should operate internally, with detailed requirements for the most basic regulatory actions such as specific timelines associated with notice-and-comment rule-making procedures. This is Congress micromanaging.

Mr. Chairman, I urge the Congress to defeat this legislation.

Mr. WALDEN. May I inquire as to the time remaining on each side?

The Acting CHAIR. The gentleman from Oregon has 3¾ minutes remaining, and the gentlewoman from California has 9½ minutes remaining.

Mr. WALDEN. I yield 2 minutes to the gentleman from Texas, the distinguished former chairman of the committee, my friend, Mr. BARTON.

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

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

Texas Congressmen don't often quote Shakespeare, but I'm going to attempt it. There's a line in Hamlet that goes something to the effect: Methinks the lady doth protest too much.

□ 1630

And my friends on the Democratic side of the aisle seem to be protesting too much. It's a very modest bill, 20-something pages in length. It's basically a good government bill.

The bill basically says that the FCC, before they issue a rule, they've got to actually put it out for public comment for at least 30 days. Then once they formalize it, they have to let people have another 30 days to comment on what they actually are proposing.

Subcommittee Chairman WALDEN circulated a draft bill. To my knowledge, he circulated it to the entire committee and to the industry and the stakeholders. I know in my case I had a few modest suggestions that were incorporated in the bill. Then when it went to subcommittee, I offered an amendment that was accepted.

He did the same process at full committee.

It came to the Rules Committee. I'm told that there were 10 amendments that had been made in order, with eight of those by my friends on the Democratic side of the aisle. We'll have that debate and the vote on those later today or tomorrow.

So here you have a very modest bill with good government transparency reporting that brings the FCC into the 21st century on how to do business, and you would think that we're going back to the dark ages. Nothing could be further from the truth.

I'm in very strong support of the process, which is important, and also the policy and the legislation that has resulted from it. I would hope that on a bipartisan basis, at the appropriate time, we vote in the affirmative on H.R. 3309.

It's a good piece of legislation. It can pass the Senate. It can be signed by the President, and it should be.

Ms. ESHOO. Mr. Chairman, I would like to use some of our remaining time on this side to respond to several points that have been raised by my colleagues on the other side of the aisle.

First, while the majority argues that H.R. 3309 is only a "light touch" in making sure that the FCC follows the Obama Executive order on cost-benefit analysis, they failed to mention that such cost-benefit review is not judicially reviewable. That's a very important fact here.

The Executive order states that it's "not intended to and does not create any right or benefit, substantive or procedural, enforceable, at law, or in equity by any party against the United States."

H.R. 3309, therefore, would create another avenue for appeal and litigation by corporate interests that oppose the FCC's efforts to take actions in the public interest, and no other Federal Agency would be subjected to such challenges. That's number one. That speaks to, I think, the public interest which, I think, is at the heart of what the FCC's responsibilities are.

Second, Mr. GINGREY mentioned the shot clocks. There are 73 types of proceedings the FCC must consider, and each item can be, as we all know and anyone that is tuned in and listening to this knows, can be very complex. No wonder CBO estimated that H.R. 3309 would require the hiring of 20 additional employees.

Thirdly, as the majority placed in the RECORD those that support the bill—even Mr. MARKEY spoke of some of the large telecommunication companies—I think it's important to set

down for the record who opposes the bill and what they have to say about it.

Bruce Gottlieb in the National Journal:

Layering new procedural requirements on top of existing ones would effectively halt the creation of nearly any contentious new FCC rules—in other words, achieve a result more or less like what Texas Governor Rick Perry had in mind for the Commerce and Education Departments.

Susan Crawford in Wired Magazine:

Although the bill's proponents say they aim to make things work more quickly at the FCC, the legislation will have the opposite effect: it will make it very difficult for the FCC to deal with any of the real-time telecom problems the country faces. What the Republicans seem to want, at bottom, is to grant the giant companies that sell us basic communications capacity—an essential utility for the 21st century—the ability to throw sand in the works at every opportunity.

From Philip Weiser, the dean at the University of Colorado Law School:

I am against passing this bill, which would give rise to unfortunate and unintended consequences that would undermine the FCC's future effectiveness without providing any real benefits.

From the Consumers Union:

The bill would require the FCC to adopt rules as long as they do not impose an additional burden on industry. The bill limits the FCC's ability to consider the public interest and protect consumers when considering mergers.

Mr. Chairman, this is no small item.

Then the Public Interest Groups Coalition letter of February 9 of this year:

These bills would severely hinder the FCC's ability to carry out its congressional mandate to promote competition, innovation, and the availability of communication services.

With that, Mr. Chairman, I would like to inquire how much time we have left on our side.

The Acting CHAIR. The gentlewoman from California has 5½ minutes remaining.

Ms. ESHOO. I will reserve that time.

Mr. WALDEN. Given the limited amount of time we have, I will reserve as well.

Ms. ESHOO. I yield back the balance of my time, Mr. Chairman, as I don't have anymore speakers on the legislation.

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

The Acting CHAIR. The gentleman from Oregon is recognized for 1¼ minutes.

Mr. WALDEN. I thank the Chairman.

I appreciate the debate we've had today. I think it's been helpful. It hasn't always been enlightening, but it's been helpful.

Again, I would point out that the National Association of Regulatory Utility Commissioners praises what we're doing in this bill and the points of requiring actual language to be available for people to see.

All we're doing here is telling the FCC to operate like these other Agencies have been asked to operate by the President's jobs council and by the

President's Executive order, but do so in a public and transparent way so that those who have business before the Commission know what the Commission is going to vote on before it votes or rewrites it and then puts it out later. Go out and survey the marketplace, decide if there's a harm, do a notice of inquiry, and get input like we do in hearings here, Mr. Chairman, and then propose rules and put those texts out there of those rules and let the public see.

The great defenders of the bureaucracy, my friends, some of them on the other side of the aisle, say, Oh, you can't change anything in Washington.

That's what we've heard for 40 years. Some of us came here to change Washington for the better. We did it when we changed the rules of the House at the beginning of this session to make our procedures more open and transparent.

My friends on the other side of the aisle were part of the effort that crammed a 2,000-page bill through here with no amendments allowed on the floor, one of which is being argued today across the street at the Supreme Court. The Republicans were denied the opportunity to offer a single amendment on the health care take-over bill on the House floor. They were denied every single amendment when these bills would come to the floor at thousands of pages. We've changed how the House operates so that can't happen again.

This bill is here under a modified open rule. The minority has 10 amendments on the floor. We had open mark-ups in subcommittee and full committee.

What we're saying is we are here as Republicans to change Washington for the better. This bill does that. I urge your support.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Chair, I rise in opposition to this bill. That is not to say that I am pleased with how this FCC has conducted its business.

It has been slow and evasive when responding to inquiries from myself and my colleagues on important matters pending before the Commission.

It has taken an activist approach to regulating, as we saw with their network neutrality proceeding.

It wrongly squelched a merger that stopped an American company from acquiring a foreign owned competitor and then released proprietary and confidential information in what appeared to be an effort to salt the earth for any future attempts at a similar deal and influence the proceeding at the DOJ. This has set a troubling precedent.

Not everything that this FCC has done is bad. While I opposed the Comcast/NBC merger, I am appreciative that the FCC had the latitude to impose conditions. For instance, my constituents will benefit from the conditions aimed to preserve localism and diversity. It included an additional 1,000 hours annually of locally produced news and information to be aired by NBC's and Telemundo's owned and operated stations, as well as quarterly reports



from Comcast-NBCU detailing the number, nature, and duration of these additional local news and information programs. This condition would not be possible under H.R. 3309.

I believe the FCC plays an important role; it is a necessary agency and can foster innovation and economic growth. But we have seen again and again a pattern of overreach, of regulatory strong arming, and aggressive actions aimed at achieving an agenda, rather than implementing the laws passed by Congress.

The FCC process is in need of reform, but the Republican proposal before us today is not the answer.

Mr. WAXMAN. Mr. Chair, I urge support for the amendment offered by Representative ESHOO.

This is a straightforward amendment that will encourage transparency by requiring entities sponsoring political advertising to disclose the identity of any donors that have contributed \$10,000 or more to such entity over a 2-year election reporting period.

Notably, this amendment applies equally to broadcasters, cable providers, and satellite providers, and it does nothing more than update what is required to be placed in the political file.

Based on concerns raised by members of the committee at markup, Ms. ESHOO modified the amendment to make it explicit that broadcasters as well as cable and satellite providers will not be held liable for any inaccuracies in the information provided under this amendment.

Today, FCC rules require broadcasters, cable providers, and satellite providers to maintain and make available for public inspection requests to purchase airtime related to political advertising.

There is no requirement, however, to disclose who actually pays for such advertisements. Rather, the file simply needs to contain the name of the person or entity requesting such airtime.

As a result, it is easy to see how viewers might be confused about who is actually financing the advertisements they see and hear every day. Mild sounding names like "Taxpayers Against Something" can hide the fact that the advertisement is actually being funded by a corporation or a limited group of wealthy individuals.

Political ads can have a great impact on the outcome of an election because the broadcast medium has the ability to reach vast numbers of citizens. This amendment simply recognizes the incredible impact such advertising can have on the outcome of an election.

I think we can all agree that \$10,000 indicates a significant commitment of resources, and the public should be made aware of who is paying such sums and for what.

Mr. Chair, this amendment has broad support from numerous organizations that advocate on transparency issues like this, including the Campaign Legal Center, Citizens for Responsibility and Ethics in Government, Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and the Sunlight Foundation.

I urge a yes vote on the this important amendment.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 3309, the FCC Process Reform Act. Although the bill's proponents say the legislation is drafted to make the FCC operate

more quickly and efficiently, I believe the bill will have the opposite effect.

On the surface H.R. 3309 appears innocuous—directing the FCC to do what it already does: analyze the potential harm its rule-making might have on markets, public institutions and consumers. The problem is that under this bill, FCC procedure would change to require it to formally file its analysis before issuing its ruling. That analysis would be subject to unending litigation and the additional level of procedure will significantly impair the FCC's flexibility to respond in real-time to challenges and expose the FCC to unnecessarily burdensome litigation. This change would hurt companies and consumers alike.

If this bill becomes law, all of the FCC's rulemaking will be subjected to judicial review. Corporations seeking to avoid oversight would have new grounds to sue the FCC just because they disagree with the agency's reasoning. The FCC could be tied up in litigation for years debating whether a cost-benefit-analysis they did was thorough enough or whether sufficient regard was paid to the potential impact of a rule on company's share of the marketplace. One expert said that it could take 15 years just for the courts to clarify the meaning of the provisions in the bill.

Additionally, the bill impedes the FCC's ability to accept publicly beneficial commitments made by transacting parties during a merger. For example, if two large internet service providers wanted to merge and promised to provide increased access to low-income consumers in order to address FCC concerns about under-served areas, under the bill, the FCC could not accept that commitment.

Mr. Chair, I oppose this bill because by introducing new and unnecessary procedures into the FCC's process, the legislation will limit the FCC's ability to exercise its statutory duty to safeguard the public interest. And, if this bill becomes law, the FCC would be reduced to little more than a reporting agency for Congress.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce, printed in the bill, shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

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

H.R. 3309

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

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Federal Communications Commission Process Reform Act of 2012".*

**SEC. 2. FCC PROCESS REFORM.**

*(a) IN GENERAL.—Title I of the Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by inserting after section 12 the following new section:*

**"SEC. 13. TRANSPARENCY AND EFFICIENCY.**

*"(a) RULEMAKING REQUIREMENTS.—*

*"(1) REQUIREMENTS FOR NOTICES OF PROPOSED RULEMAKING.—The Commission may not issue a notice of proposed rulemaking unless the Commission provides for a period of not less than 30 days for the submission of comments and an ad-*

*ditional period of not less than 30 days for the submission of reply comments on such notice and the Commission includes in such notice the following:*

*"(A) Either—*

*"(i) an identification of—*

*"(I) a notice of inquiry, a prior notice of proposed rulemaking, or a notice on a petition for rulemaking issued by the Commission during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and of which such notice is a logical outgrowth; or*

*"(II) an order of a court reviewing action by the Commission or otherwise directing the Commission to act that was issued by the court during the 3-year period preceding the issuance of the notice of proposed rulemaking concerned and in response to which such notice is being issued; or*

*"(ii) a finding (together with a brief statement of reasons therefor)—*

*"(I) that the proposed rule or the proposed amendment of an existing rule will not impose additional burdens on industry or consumers; or*

*"(II) for good cause, that a notice of inquiry is impracticable, unnecessary, or contrary to the public interest.*

*"(B) The specific language of the proposed rule or the proposed amendment of an existing rule.*

*"(C) In the case of a proposal to create a program activity, proposed performance measures for evaluating the effectiveness of the program activity.*

*"(D) In the case of a proposal to substantially change a program activity—*

*"(i) proposed performance measures for evaluating the effectiveness of the program activity as proposed to be changed; or*

*"(ii) a proposed finding that existing performance measures will effectively evaluate the program activity as proposed to be changed.*

*"(2) REQUIREMENTS FOR RULES.—Except as provided in the 3rd sentence of section 553(b) of title 5, United States Code, the Commission may not adopt or amend a rule unless—*

*"(A) the specific language of the adopted rule or the amendment of an existing rule is a logical outgrowth of the specific language of a proposed rule or a proposed amendment of an existing rule included in a notice of proposed rulemaking, as described in subparagraph (B) of paragraph (1);*

*"(B) such notice of proposed rulemaking—*

*"(i) was issued in compliance with such paragraph and during the 3-year period preceding the adoption of the rule or the amendment of an existing rule; and*

*"(ii) is identified in the order making the adoption or amendment;*

*"(C) in the case of the adoption of a rule or the amendment of an existing rule that may have an economically significant impact, the order contains—*

*"(i) an identification and analysis of the specific market failure, actual consumer harm, burden of existing regulation, or failure of public institutions that warrants the adoption or amendment; and*

*"(ii) a reasoned determination that the benefits of the adopted rule or the amendment of an existing rule justify its costs (recognizing that some benefits and costs are difficult to quantify), taking into account alternative forms of regulation and the need to tailor regulation to impose the least burden on society, consistent with obtaining regulatory objectives;*

*"(D) in the case of the adoption of a rule or the amendment of an existing rule that creates a program activity, the order contains performance measures for evaluating the effectiveness of the program activity; and*

*"(E) in the case of the adoption of a rule or the amendment of an existing rule that substantially changes a program activity, the order contains—*

*"(i) performance measures for evaluating the effectiveness of the program activity as changed; or*

“(ii) a finding that existing performance measures will effectively evaluate the program activity as changed.

“(3) DATA FOR PERFORMANCE MEASURES.—The Commission shall develop a performance measure or proposed performance measure required by this subsection to rely, where possible, on data already collected by the Commission.

“(b) ADEQUATE DELIBERATION BY COMMISSIONERS.—The Commission shall by rule establish procedures for—

“(1) informing all Commissioners of a reasonable number of options available to the Commission for resolving a petition, complaint, application, rulemaking, or other proceeding;

“(2) ensuring that all Commissioners have adequate time, prior to being required to decide a petition, complaint, application, rulemaking, or other proceeding (including at a meeting held pursuant to section 5(d)), to review the proposed Commission decision document, including the specific language of any proposed rule or any proposed amendment of an existing rule; and

“(3) publishing the text of agenda items to be voted on at an open meeting in advance of such meeting so that the public has the opportunity to read the text before a vote is taken.

“(c) NONPUBLIC COLLABORATIVE DISCUSSIONS.—

“(1) IN GENERAL.—Notwithstanding section 552b of title 5, United States Code, a bipartisan majority of Commissioners may hold a meeting that is closed to the public to discuss official business if—

“(A) a vote or any other agency action is not taken at such meeting;

“(B) each person present at such meeting is a Commissioner, an employee of the Commission, a member of a joint board established under section 410, or a person on the staff of such a joint board; and

“(C) an attorney from the Office of General Counsel of the Commission is present at such meeting.

“(2) DISCLOSURE OF NONPUBLIC COLLABORATIVE DISCUSSIONS.—Not later than 2 business days after the conclusion of a meeting held under paragraph (1), the Commission shall publish a disclosure of such meeting, including—

“(A) a list of the persons who attended such meeting; and

“(B) a summary of the matters discussed at such meeting, except for such matters as the Commission determines may be withheld under section 552b(c) of title 5, United States Code.

“(3) PRESERVATION OF OPEN MEETINGS REQUIREMENTS FOR AGENCY ACTION.—Nothing in this subsection shall limit the applicability of section 552b of title 5, United States Code, with respect to a meeting of Commissioners other than that described in paragraph (1).

“(d) INITIATION OF ITEMS BY BIPARTISAN MAJORITY.—The Commission shall by rule establish procedures for allowing a bipartisan majority of Commissioners to—

“(1) direct Commission staff to draft an order, decision, report, or action for review by the Commission;

“(2) require Commission approval of an order, decision, report, or action with respect to a function of the Commission delegated under section 5(c)(1); and

“(3) place an order, decision, report, or action on the agenda of an open meeting.

“(e) PUBLIC REVIEW OF CERTAIN REPORTS AND EX PARTE COMMUNICATIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission may not rely, in any order, decision, report, or action, on—

“(A) a statistical report or report to Congress, unless the Commission has published and made such report available for comment for not less than a 30-day period prior to the adoption of such order, decision, report, or action; or

“(B) an ex parte communication or any filing with the Commission, unless the public has been afforded adequate notice of and opportunity to respond to such communication or filing, in ac-

cordance with procedures to be established by the Commission by rule.

“(2) EXCEPTION.—Paragraph (1) does not apply when the Commission for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the order, decision, report, or action) that publication or availability of a report under subparagraph (A) of such paragraph or notice of and opportunity to respond to an ex parte communication under subparagraph (B) of such paragraph are impracticable, unnecessary, or contrary to the public interest.

“(f) PUBLICATION OF STATUS OF CERTAIN PROCEEDINGS AND ITEMS.—The Commission shall by rule establish procedures for publishing the status of all open rulemaking proceedings and all proposed orders, decisions, reports, or actions on circulation for review by the Commissioners, including which Commissioners have not cast a vote on an order, decision, report, or action that has been on circulation for more than 60 days.

“(g) DEADLINES FOR ACTION.—The Commission shall by rule establish deadlines for any Commission order, decision, report, or action for each of the various categories of petitions, applications, complaints, and other filings seeking Commission action, including filings seeking action through authority delegated under section 5(c)(1).

“(h) PROMPT RELEASE OF CERTAIN REPORTS AND DECISION DOCUMENTS.—

“(1) STATISTICAL REPORTS AND REPORTS TO CONGRESS.—

“(A) RELEASE SCHEDULE.—Not later than January 15th of each year, the Commission shall identify, catalog, and publish an anticipated release schedule for all statistical reports and reports to Congress that are regularly or intermittently released by the Commission and will be released during such year.

“(B) PUBLICATION DEADLINES.—The Commission shall publish each report identified in a schedule published under subparagraph (A) not later than the date indicated in such schedule for the anticipated release of such report.

“(2) DECISION DOCUMENTS.—The Commission shall publish each order, decision, report, or action not later than 7 days after the date of the adoption of such order, decision, report, or action.

“(3) EFFECT IF DEADLINES NOT MET.—

“(A) NOTIFICATION OF CONGRESS.—If the Commission fails to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2), the Commission shall, not later than 7 days after such deadline and every 14 days thereafter until the publication of the order, decision, report, or action, notify by letter the chairpersons and ranking members of the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Such letter shall identify such order, decision, report, or action, specify the deadline, and describe the reason for the delay. The Commission shall publish such letter.

“(B) NO IMPACT ON EFFECTIVENESS.—The failure of the Commission to publish an order, decision, report, or action by a deadline described in paragraph (1)(B) or (2) shall not render such order, decision, report, or action ineffective when published.

“(i) BIENNIAL SCORECARD REPORTS.—

“(1) IN GENERAL.—For the 6-month period beginning on January 1st of each year and the 6-month period beginning on July 1st of each year, the Commission shall prepare a report on the performance of the Commission in conducting its proceedings and meeting the deadlines established under subsections (g), (h)(1)(B), and (h)(2).

“(2) CONTENTS.—Each report required by paragraph (1) shall contain detailed statistics on such performance, including, with respect to each Bureau of the Commission—

“(A) in the case of performance in meeting the deadlines established under subsection (g), with

respect to each category established under such subsection—

“(i) the number of petitions, applications, complaints, and other filings seeking Commission action that were pending on the last day of the period covered by such report;

“(ii) the number of filings described in clause (i) that were not resolved by the deadlines established under such subsection and the average length of time such filings have been pending; and

“(iii) for petitions, applications, complaints, and other filings seeking Commission action that were resolved during such period, the average time between initiation and resolution and the percentage resolved by the deadlines established under such subsection;

“(B) in the case of proceedings before an administrative law judge—

“(i) the number of such proceedings completed during such period; and

“(ii) the number of such proceedings pending on the last day of such period; and

“(C) the number of independent studies or analyses published by the Commission during such period.

“(3) PUBLICATION AND SUBMISSION.—The Commission shall publish and submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate each report required by paragraph (1) not later than the date that is 30 days after the last day of the period covered by such report.

“(j) TRANSACTION REVIEW STANDARDS.—

“(1) IN GENERAL.—The Commission shall condition its approval of a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act only if—

“(A) the imposed condition is narrowly tailored to remedy a harm that arises as a direct result of the specific transfer or specific transaction that this Act empowers the Commission to review; and

“(B) the Commission could impose a similar requirement under the authority of a specific provision of law other than a provision empowering the Commission to review a transfer of lines, a transfer of licenses, or other transaction.

“(2) EXCLUSIONS.—In reviewing a transfer of lines, a transfer of licenses, or any other transaction under section 214, 309, or 310 or any other provision of this Act, the Commission may not consider a voluntary commitment of a party to such transfer or transaction unless the Commission could adopt that voluntary commitment as a condition under paragraph (1).

“(k) ACCESS TO CERTAIN INFORMATION ON COMMISSION'S WEBSITE.—The Commission shall provide direct access from the homepage of its website to—

“(1) detailed information regarding—

“(A) the budget of the Commission for the current fiscal year;

“(B) the appropriations for the Commission for such fiscal year; and

“(C) the total number of full-time equivalent employees of the Commission; and

“(2) the performance plan most recently made available by the Commission under section 1115(b) of title 31, United States Code.

“(l) FEDERAL REGISTER PUBLICATION.—

“(1) IN GENERAL.—In the case of any document adopted by the Commission that the Commission is required, under any provision of law, to publish in the Federal Register, the Commission shall, not later than the date described in paragraph (2), complete all Commission actions necessary for such document to be so published.

“(2) DATE DESCRIBED.—The date described in this paragraph is the earlier of—

“(A) the day that is 45 days after the date of the release of the document; or

“(B) the day by which such actions must be completed to comply with any deadline under any other provision of law.

“(3) NO EFFECT ON DEADLINES FOR PUBLICATION IN OTHER FORM.—In the case of a deadline that does not specify that the form of publication is publication in the Federal Register, the Commission may comply with such deadline by publishing the document in another form. Such other form of publication does not relieve the Commission of any Federal Register publication requirement applicable to such document, including the requirement of paragraph (1).

“(n) CONSUMER COMPLAINT DATABASE.—

“(1) IN GENERAL.—In evaluating and processing consumer complaints, the Commission shall present information about such complaints in a publicly available, searchable database on its website that—

“(A) facilitates easy use by consumers; and

“(B) to the extent practicable, is sortable and accessible by—

“(i) the date of the filing of the complaint;

“(ii) the topic of the complaint;

“(iii) the party complained of; and

“(iv) other elements that the Commission considers in the public interest.

“(2) DUPLICATIVE COMPLAINTS.—In the case of multiple complaints arising from the same alleged misconduct, the Commission shall be required to include only information concerning one such complaint in the database described in paragraph (1).

“(n) FORM OF PUBLICATION.—

“(1) IN GENERAL.—In complying with a requirement of this section to publish a document, the Commission shall publish such document on its website, in addition to publishing such document in any other form that the Commission is required to use or is permitted to and chooses to use.

“(2) EXCEPTION.—The Commission shall by rule establish procedures for redacting documents required to be published by this section so that the published versions of such documents do not contain—

“(A) information the publication of which would be detrimental to national security, homeland security, law enforcement, or public safety; or

“(B) information that is proprietary or confidential.

“(o) DEFINITIONS.—In this section:

“(1) AMENDMENT.—The term ‘amendment’ includes, when used with respect to an existing rule, the deletion of such rule.

“(2) BIPARTISAN MAJORITY.—The term ‘bipartisan majority’ means, when used with respect to a group of Commissioners, that such group—

“(A) is a group of 3 or more Commissioners; and

“(B) includes, for each political party of which any Commissioner is a member, at least 1 Commissioner who is a member of such political party, and, if any Commissioner has no political party affiliation, at least 1 unaffiliated Commissioner.

“(3) ECONOMICALLY SIGNIFICANT IMPACT.—The term ‘economically significant impact’ means an effect on the economy of \$100,000,000 or more annually or a material adverse effect on the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities.

“(4) PERFORMANCE MEASURE.—The term ‘performance measure’ means an objective and quantifiable outcome measure or output measure (as such terms are defined in section 1115 of title 31, United States Code).

“(5) PROGRAM ACTIVITY.—The term ‘program activity’ has the meaning given such term in section 1115 of title 31, United States Code, except that such term also includes any annual collection or distribution or related series of collections or distributions by the Commission of an amount that is greater than or equal to \$100,000,000.

“(6) OTHER DEFINITIONS.—The terms ‘agency action’, ‘ex parte communication’, and ‘rule’ have the meanings given such terms in section 551 of title 5, United States Code.”.

(b) EFFECTIVE DATE AND IMPLEMENTING RULES.—

(1) EFFECTIVE DATE.—

(A) IN GENERAL.—The requirements of section 13 of the Communications Act of 1934, as added by subsection (a), shall apply beginning on the date that is 6 months after the date of the enactment of this Act.

(B) PRIOR NOTICES OF PROPOSED RULE-MAKING.—If the Federal Communications Commission identifies under paragraph (2)(B)(ii) of subsection (a) of such section 13 a notice of proposed rulemaking issued prior to the date of the enactment of this Act—

(i) such notice shall be deemed to have complied with paragraph (1) of such subsection; and

(ii) if such notice did not contain the specific language of a proposed rule or a proposed amendment of an existing rule, paragraph (2)(A) of such subsection shall be satisfied if the adopted rule or the amendment of an existing rule is a logical outgrowth of such notice.

(C) SCHEDULES AND REPORTS.—Notwithstanding subparagraph (A), subsections (h)(1) and (i) of such section shall apply with respect to 2013 and any year thereafter.

(2) RULES.—The Federal Communications Commission shall promulgate the rules necessary to carry out such section not later than 1 year after the date of the enactment of this Act.

(3) PROCEDURES FOR ADOPTING RULES.—Notwithstanding paragraph (1)(A), in promulgating rules to carry out such section, the Federal Communications Commission shall comply with the requirements of subsections (a) and (h)(2) of such section.

**SEC. 3. CATEGORIZATION OF TCPA INQUIRIES AND COMPLAINTS IN QUARTERLY REPORT.**

In compiling its quarterly report with respect to informal consumer inquiries and complaints, the Federal Communications Commission may not categorize an inquiry or complaint with respect to section 227 of the Communications Act of 1934 (47 U.S.C. 227) as being a wireline inquiry or complaint or a wireless inquiry or complaint unless the party whose conduct is the subject of the inquiry or complaint is a wireline carrier or a wireless carrier, respectively.

**SEC. 4. EFFECT ON OTHER LAWS.**

Nothing in this Act or the amendment made by this Act shall relieve the Federal Communications Commission from any obligations under title 5, United States Code, except where otherwise expressly provided.

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in House Report 112-422. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-422.

Mr. CROWLEY. 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 7, line 5, strike “and”.

Page 7, line 15, strike the period and insert “; and”.

Page 7, after line 15, insert the following:

“(F) in the case of the adoption of a rule or the amendment of an existing rule relating to baby monitors, such rule as adopted or amended requires the packaging of an analog baby monitor to display a warning label stating that sounds or images captured by the baby monitor may be easily viewed or heard by potential intruders outside a consumer’s home.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. CROWLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

□ 1640

Mr. CROWLEY. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I rise today in support of this amendment to H.R. 3309.

Mr. Chairman, my amendment addresses a problem that has come to light over the past 2 years. It’s a problem that’s a concern for parents, a problem that is a concern for families. It’s a problem that’s a concern for law enforcement. And I believe that my amendment will help to address this problem.

Here’s what we have learned. Many families do not know that the baby monitors that they purchase to help them take care of their infants and their children can be easily accessed by potential intruders. It’s possible for someone, anyone at all, to purchase a normal baby monitor at the store and use that monitor to see and hear inside a family’s home, quite literally making it possible to monitor other people’s children and their lives.

In fact, recent investigative news stories by NBC in New York and throughout the Nation found that one can even drive down the street with a baby monitor receiver and monitor every child on that street whose family uses an analog baby monitor. Outsiders waiting hundreds of feet from a home or canvassing a neighborhood can quickly and easily see an image of a young child or an entire room, the same image seen by parents inside their home.

The concerns don’t end there. Potential intruders could also identify whether the parents or children are home at all, helping create conditions for burglary. And a potential kidnapper or abuser could easily identify the location of a child within a home, as well as the easiest point of entry to abduct or cause harm to that child.

This is a situation that is deeply concerning to many parents who know of the problem. But equally as alarming is the fact that so many others don’t even know about the problem to begin with.

This amendment would direct the FCC, when ruling on baby monitors, to require companies producing analog baby monitors to include warning labels on packages so that parents can make fully informed decisions about the potential risk of their purchases.

Parents have no greater concern than the well-being of their children and their families, and they deserve full information about the products they are purchasing. It comes down to making sure that parents are aware of any potential dangers. A clear warning on the monitors will help arm parents with the information they need to make the best decision for their family.

I have written to the FCC about this issue, as well as the Federal Trade Commission and the Consumer Product Safety Commission. There is, indeed, an interest in addressing this problem, and I hope passage of this amendment will send a clear message to the agencies with jurisdiction over these products that we need to find a way to move forward and get this matter addressed.

I ask for support for this amendment.

I yield back the balance of my time.

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

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

Mr. WALDEN. I share the gentleman's concerns that he raised. A lot of people do not understand that, especially in the area of unlicensed spectrum, you don't have a right to a protective communication. And certainly, in the analog world, you can listen in. We all know that from CB radios and things of that nature and family networks—you hear other people talking. This is an issue of concern, certainly, because all of us want to protect our families, those of us who have children. Mine now much older than that at nearly 22.

But this is certainly an issue, and I appreciate the gentleman raising it. I know he has legislation, although I would say this is the wrong vehicle for that because this is an FCC process reform bill, not a labeling bill, and the FCC does not use the phrase "baby monitor" in any of its rules, so, in effect, this labeling requirement may never take effect anyway.

And if the labeling requirement does take effect, it may cause some consumer confusion because you'd treat all analog monitors, perhaps, as unsafe and digital monitors as safe, even if that's not true for a particular brand of baby monitor.

So I oppose this amendment, and would encourage my colleagues to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

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

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

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

The Chair understands that amendment No. 2 will not be offered.

It is now in order to consider amendment No. 3 printed in House Report 112-422.

It is now in order to consider amendment No. 4 printed in House report 112-422.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-422.

Ms. ESHOO. Mr. Chairman, I seek to offer the amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, after line 21, insert the following (and redesignate subsequent provisions accordingly):

“(n) CERTIFICATIONS REGARDING IDENTITY OF DONORS FOR PUBLIC INSPECTION FILES.—

“(1) IN GENERAL.—The Commission shall revise its rules to require the public inspection file of a broadcast licensee, cable operator, or provider of direct broadcast satellite service to include, from each entity sponsoring political programming, a certification that identifies any donors that have contributed a total of \$10,000 or more to such entity in an election reporting cycle.

“(2) ACCURACY OF INFORMATION.—A broadcast licensee, cable operator, or provider of direct broadcast satellite service may not be held responsible for an inaccuracy in a certification filed under this subsection, unless such licensee, operator, or provider had actual knowledge, at the time such certification was filed, that such certification was false or fraudulent.

“(3) DEFINITIONS.—In this subsection:

“(A) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term in section 602.

“(B) DBS ORIENTATION PROGRAMMING.—The term ‘DBS origination programming’ has the meaning given such term in section 25.701 of title 47, Code of Federal Regulations.

“(C) ELECTION REPORTING CYCLE.—The term ‘election reporting cycle’ means, with respect to a request to purchase time by an entity sponsoring political programming, the 2-year period that begins on the date of the most recent general election for Federal office preceding such request.

“(D) GENERAL ELECTION.—The term ‘general election’ means an election occurring on the first Tuesday after the first Monday in November of an even-numbered year.

“(E) ORIENTATION CABLECASTING.—The term ‘origination cablecasting’ has the meaning given such term in section 76.5 of title 47, Code of Federal Regulations.

“(F) POLITICAL PROGRAMMING.—The term ‘political programming’ means programming that communicates a message relating to any political matter of national importance, including a legally qualified candidate for public office, any election to Federal office, or a national legislative issue of public importance.

“(G) PROGRAMMING.—The term ‘programming’ means—

“(i) with respect to a broadcast licensee, broadcast programming;

“(ii) with respect to a cable operator, origination cablecasting; and

“(iii) with respect to a provider of direct broadcast satellite service, DBS origination programming.

“(H) PROVIDER OF DIRECT BROADCAST SATELLITE SERVICE.—The term ‘provider of direct broadcast satellite service’ has the meaning given such term in section 335.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman

from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. ESHOO. Mr. Chairman, I come to the floor this afternoon to offer an amendment to this bill that probably, for most people, as they were tuned in and listening to the discussion and the debate of the bill, may not have gotten too excited about it because it deals with the innards of an agency. But this amendment, I think, is probably one of the most important parts of the bill, and I'm very pleased that the Rules Committee found it in order.

This amendment goes to the heart of our democracy, and it's all about disclosure. We have the opportunity today to secure disclosure in political reporting for the voting public.

There's something very sick about our system today. People across the country are deeply and profoundly upset about the undisclosed sums of money that are being poured over and through our political system. And when that happens, it goes right to the heart of democracy.

Why? Because it's undisclosed. We do not know who is contributing. We don't know how much they're contributing. We don't even know if foreign countries are involved in this.

So this is really a very simple amendment. It's an amendment that adheres to the same principles that many of my colleagues, Democrats and Republicans, have supported before, and it works like this: If an organization buys political advertising time on broadcast television, on radio, on cable, or on satellite, they would be required to disclose their large donors, those who give \$10,000 or more to air the ad.

□ 1650

There is today, in statute, section 315 of the Communications Act—and it's been in place since 2002—that covers national legislative issues of public importance. It also covers legally qualified candidates, or any election to Federal office. So there's something already in place. The only thing that's being added to this is that if you're going to buy time, \$10,000 or more, that you are required to disclose and name who the donors are, who's contributing that money.

I think that this is very important. We are a democracy. We're not a plutocracy. What I hear over and over and over and over again from my constituents is the damage that Citizens United, the case that the Supreme Court rendered the decision—I think a disastrous one—2 years ago. We have the jurisdiction at the Energy and Commerce Committee and this subcommittee; it is within our jurisdiction to take this up in this bill.

Now, there is something else. Some people have said that this is burdensome—burdensome for broadcasters, burdensome for those that broadcast

television, burdensome to radio, burdensome to cable, burdensome to satellite. They're not the ones that have to disclose, only those that buy the time.

And the files exist today. There is one file, one file only—now, there are other files for other responsibilities, but there's only one for political ads. Is America and our democracy not worth requiring those that want to buy the political ads to disclose who they are above \$10,000? And that's it. So the law is already in place since 2002. The file is already there. There is no burden to the broadcasters, radio, TV, satellite, cable, as I said, but simply to report.

Now, there are those that say that that would be burdensome, that that would be burdensome as well. My question is, How heavy a burden is it? How heavy of a burden, how heavy of a lift is it to report and disclose to the American people? The American people have a right to know; and once they know disclosure is a disinfectant, they will make up their own minds.

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

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

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

Mr. WALDEN. I don't rise in opposition to disclosure. I think it's a good thing if it's done in the proper venue in the proper way. And that's not on this particular bill.

A similar amendment was brought before the full committee and rejected by the full committee. It has since been rewritten. It's better than what came before the full committee, and I commend my friend from California for that. But the way that this is written, I believe that it has lots of unintended consequences that can be difficult and doesn't accomplish what she's trying to accomplish in an effective way.

For example, my colleagues in the Chamber, you all would have to disclose, when you go to inquire about the purchase of time now in radio, TV, or satellite, your \$10,000 donors. So any PAC that gave you \$10,000 in the last 2 years would have to be listed. Now, my colleague from California, that would be like Abbott Labs and Google that gave you 10, and I've got some that gave me 10. You'd have to do that and disclose. You wouldn't have to do money you got from others.

But here's the deal, because I looked this up last night about one in the morning. I couldn't sleep, I was on west coast time, and so I went to the site where this stuff is disclosed—for us, that's the Federal Election Commission site. So I could easily find all the documentation for my dear friend—I just happened to go to her contribution history for last year. And only \$30,000 of the \$296,817 that she got from PACs would be disclosed as a result of this, which is about 10 percent. But she was able to have another \$400,000, or thereabouts, from individuals. So you're

really down to only seeing a tiny little window of about 5 percent, or less, that would be disclosed in the public file of a broadcast, satellite, or cable operator, or radio, which, by the way, is all on paper, at least for now, and not online. I was able to ferret out this information online last night, one in the morning, or thereabouts.

The other thing it does, I think it draws in every candidate in America the way this is listed. Because when you read the actual language of the amendment, it talks about political programming. And it defines it as meaning "programming that communicates a message relating to any political matter of national importance."

So I'm thinking about a city that's having a fight with the Federal Government over some new Federal regulation. That would be an issue of national importance; or if in a local community they were fighting about something, again, that, I don't know, Second Amendment rights, First Amendment rights. That would be an issue of national importance. Further, the language talks about a legally qualified candidate for public office. So that would seem to be any candidate for public office at any level.

So then you have public broadcasting that could be pulled into this because they have people that underwrite programming that deals with issues of national importance. So could that be that every public broadcaster would have to disclose somehow everybody that's paying for that programming?

Then you have the creative minds of the people who try to hide from disclosure. This would be real simple under this amendment because it says the look-back period is back to the last Federal general election. Whatever donors you've had at \$10,000 would have to be reported before you could inquire about buying time and purchasing time. Well, it's not a reach to think that these clever little rascals out there would simply create a new committee every time they wanted to buy time. That's easy to do. They've got lots of money; they've got lots of attorneys. They just create the committee to attack ANNA ESHOO, 2012. And it has no prior donors from the 2 years, so they escape this. And who among us here thinks that they won't do that?

So I don't think the amendment is written to accomplish the goal, and the goal is best achieved and accomplished through the Federal Election Commission, not the Federal Communications Commission. So we're about two letters off. I think it really raises a host of issues that are unintended consequences and should be defeated.

I yield back the balance of my time.

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

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

Ms. ESHOO. 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.

AMENDMENT NO. 6 OFFERED BY MR. WALDEN

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-422.

Mr. WALDEN. Mr. Chairman, on behalf of Mr. DIAZ-BALART, I have an amendment I am going to offer.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 19, after line 13, insert the following (and redesignate subsequent provisions accordingly):

"(o) TRANSPARENCY RELATING TO PERFORMANCE IN MEETING FOIA REQUIREMENTS.—The Commission shall take additional steps to inform the public about its performance and efficiency in meeting the disclosure and other requirements of section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), including by doing the following:

"(1) Publishing on the Commission's website the Commission's logs for tracking, responding to, and managing requests submitted under such section, including the Commission's fee estimates, fee categories, and fee request determinations.

"(2) Releasing to the public all decisions made by the Commission (including decisions made by the Commission's Bureaus and Offices) granting or denying requests filed under such section, including any such decisions pertaining to the estimate and application of fees assessed under such section.

"(3) Publishing on the Commission's website electronic copies of documents released under such section.

"(4) Presenting information about the Commission's handling of requests under such section in the Commission's annual budget estimates submitted to Congress and the Commission's annual performance and financial reports. Such information shall include the number of requests under such section the Commission received in the most recent fiscal year, the number of such requests granted and denied, a comparison of the Commission's processing of such requests over at least the previous 3 fiscal years, and a comparison of the Commission's results with the most recent average for the United States Government as published on [www.foia.gov](http://www.foia.gov).

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Oregon (Mr. WALDEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. WALDEN. Mr. Chairman, throughout the course of the debate today on the floor we'll have amendments offered by Republicans and Democrats, a total of potentially 10. This is one offered by my colleague from Florida (Mr. DIAZ-BALART), which we will be supportive of. There will be at least one amendment on the other side we will be supportive of as well.

This one will require the FCC to make additional disclosures on its Web site and in its annual budget regarding its processing of Freedom of Information Act requests. I think this does fall

in the category of reforming how the FCC operates in a positive way. It would increase the Agency's transparency with regard to how it complies with Freedom of Information Act requests. Additional disclosure and transparency is a good thing, and the burdens on the FCC are clearly modest, completely.

So I would urge passage of this amendment, and I yield back the balance of my time.

Ms. ESHOO. Mr. Chairman, I rise in opposition to the amendment.

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

Ms. ESHOO. Mr. Chairman, obviously, my colleagues know that I'm a strong proponent of openness and transparency rules in government. I'm concerned about this amendment because it seems as if it would apply special Freedom of Information Act, FOIA, requirements on one agency alone.

□ 1700

As with the underlying bill, I am concerned that this would create confusion and inconsistency.

Most frankly, I also question what the problem is that we're addressing here. Just 2 weeks ago, Chairman ISSA, the chairman of the committee with jurisdiction over FOIA matters, issued a report in which he gave an A grade for FOIA compliance relative to the FCC. It is also my understanding that the FCC is already publishing on its Web site logs for tracking, for responding to, and for managing FOIA requests. So it's a little confusing given the grade that Chairman ISSA issued relative to the FCC and FOIA requests and relative to the issues that I raised.

So I think, perhaps, that the amendment may be redundant or simply not needed at all. Those are my observations, and I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-422.

Mr. OWENS. 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 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

**SEC. 4. BROADBAND ACCESS IN RURAL AREAS.**

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from implementing rules to ensure broadband access in rural areas.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from New York (Mr. OWENS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. OWENS. Mr. Chairman, I rise in support of my amendment to H.R. 3309, the Federal Communications Commission Process Reform Act.

I agree that cost-benefit analysis is an important factor that independent agencies should consider before issuing new rules and regulations. To that end, I have supported bipartisan legislation that would require other agencies, like the CFTC and the SBA, to conduct similar analyses.

Mr. Chairman, in our efforts to change the rulemaking process at the FCC, it is important that we consider unintended consequences. My amendment is very simple and limited in scope. It simply expresses that nothing in this act shall impede the FCC from implementing rules to ensure broadband access in rural areas. I would like to clarify that this amendment is not intended to influence the current debate concerning the FCC's reforms to the Universal Service Fund.

Last year, I introduced legislation that would direct the Department of Agriculture to craft a comprehensive plan to expand broadband access to rural America. If such a plan were enacted under the bill we are considering today, the FCC would likely be required to conduct additional market surveys and analysis that could delay its implementation.

New York's 23rd Congressional District is 14,000 square miles and encompasses a large portion of the State's rural communities. My amendment would simply ensure that the development of much-needed broadband in rural areas, like in my congressional district in upstate New York, is not held up by the increased requirements imposed by the FCC under this bill.

Whether it is a small business in Massena, Watertown, Oswego or in Plattsburgh, New York, that wants to market its products to customers in Canada or to a hospital that is able to save a life by accessing patient records, access to broadband is critical to creating jobs and growing the economy in rural New York and in rural regions across the country. In many of these areas, there is simply insufficient demand for private industry to justify the cost of building out their networks.

Congress must be prepared to help develop this infrastructure to ensure our economy remains competitive in the global marketplace. I urge my colleagues to support this amendment, and I yield back the balance of my time.

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

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

Mr. WALDEN. This amendment would exempt from procedural reforms any FCC actions with regard to broadband access in rural areas. Now, I know the gentleman talked about representing a large rural district. My dis-

trict in eastern Oregon is larger than his State of New York. It is 70,000 square miles. In fact, it's bigger than any State this side of the Mississippi River, I'm told.

This is my bill. I am an advocate for it because, in many respects, it's bad process at the FCC that harms those least able to afford big high-rise towers of lawyers to come and oversee the FCC. That's why we need a more open and transparent process. This would exempt the FCC from using good process when reforming the Universal Service Fund, for example.

I know the gentleman is fairly new here, but he may not have caught the part about the FCC doing a data dump in the final hours before they promulgated their rule on the Universal Service Fund, which meant it was very difficult, if not impossible, for anybody who really cared deeply about the build-out of broadband or of the future of the USF to go through literally thousands of pages. I used these earlier today in the debate on the underlying bill. We have binders and binders of the actual documents that they dumped at the last minute. It's just not the way to do the public's business.

So I understand what the gentleman is saying. Mr. TERRY, who is the sponsor of this bill, is a long-time advocate of rural broadband build-out, as am I, which is part of what we are hoping to accomplish in other legislation as well that has become law. The National Telecommunications Cooperative Association, the voice of rural carriers—the very people you're trying to help and genuinely so with your amendment—actually supports the underlying bill. Surely they don't think it will slow down rural broadband deployment.

So I appreciate the gentleman's commitment to rural broadband build-out. I think his amendment actually goes in the wrong direction in that it reduces transparency, accountability, and access for the very people we're trying to help.

Therefore, Mr. Chairman, I will oppose the amendment. I yield back the balance of my time.

Mr. OWENS. Mr. Chairman, may I reclaim my unused time?

The Acting CHAIR. The gentleman seeks unanimous consent to reclaim the remaining part of his time.

Without objection, the gentleman from New York is recognized for 2½ minutes.

There was no objection.

Mr. OWENS. I just want to point out two items.

First, this bill is not intended to influence in any way the current debate concerning the FCC's reforms to the Universal Service Fund. We are not in any way attempting to impact that. In addition, what we're really asking is that the FCC take into account in its rulemaking process the rural broadband needs. We are not exempting it from the process but are simply asking that that be taken into account as

they go through the process. There is no exemption intended here.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. OWENS).

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

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

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

AMENDMENT NO. 8 OFFERED BY MR. AL GREEN  
OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-422.

Mr. AL GREEN of Texas. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

**SEC. 4. PROVISION OF EMERGENCY WEATHER INFORMATION.**

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems to alert the public to imminent dangerous weather conditions.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from Texas (Mr. AL GREEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. AL GREEN of Texas. Mr. Chairman, I will be very brief because I understand that time is of the essence.

I've had an opportunity to work with my colleagues across the aisle, and our staffs have worked together. Mr. Chairman, this amendment would simply make it clear that the FCC will not be impeded in any way as it relates to notifying the public about dangerous conditions. We all know about the hurricanes that hit the gulf coast and that we have tornadoes in other areas of the country. This is a very simple, commonsense amendment. I believe my colleague will agree with me, and I don't believe there will be a need for a vote.

Mr. WALDEN. Will the gentleman yield?

Mr. AL GREEN of Texas. I yield to the gentleman from Oregon.

□ 1710

Mr. WALDEN. I thank the gentleman for yielding, and I thank him for working with this side of the aisle. You have been terrific and so have your staff as we worked through this.

This wasn't a surprise amendment by any means. We were able to sit down

and work through it. We share your concern fully, and we are fully supportive of your amendment. And I thank you for raising this issue.

As a former radio broadcaster, having been involved in some emergencies—not hurricanes, clearly, in Oregon—but this is important. So we do support it. And again, I thank you for working with us in a bipartisan spirit.

Mr. AL GREEN of Texas. Thank you. And reclaiming my time, I am grateful for my colleague and the staff members that worked with us.

And with that said, Mr. Chairman, I don't believe there will be a request for a vote if the amendment is accepted.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. AL GREEN). The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SPEIER

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-422.

Ms. SPEIER. 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 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

**SEC. 4. IMPACT ON COMPETITION AND INNOVATION.**

This Act (including the amendment made by section 2 of this Act) shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this Act (and amendment) on the mandate of the Commission to promote competition and innovation.

The Acting CHAIR. Pursuant to House Resolution 595, the gentlewoman from California (Ms. SPEIER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. SPEIER. Mr. Chairman, who among us is not for competition and innovation? This amendment speaks directly to that issue. And I want to read you the amendment:

This act shall not take effect until the Federal Communications Commission submits to Congress a report on the impact of this act on the mandate of the commission to promote competition and innovation.

Again, who isn't for competition and innovation? Among the important mandates of the FCC are the following: promoting competition, innovation, and investment in broadband services and facilities; supporting the Nation's economy by ensuring an appropriate competitive framework for the unfolding of the communications revolution; encouraging the highest and best use of spectrum domestically and internationally; revising media regulations so that new technologies flourish alongside diversity and localism; providing leadership; and strengthening the defense of the Nation's communications infrastructure.

The provisions of this bill could potentially disable the agency and stymie

the commission's ability to fulfill its most basic mission: to promote innovation while protecting the public interest. The U.S. has led the world in developing policies to unleash spectrum for mobile investment and innovation. The FCC was the first agency to develop spectrum auctions and also the first to free up so-called junk bands for unlicensed use, such as Bluetooth, cordless phones, and Wi-Fi, all things we take for granted today.

The economic benefit created by unlicensed spectrum alone is estimated at \$37 billion a year. In 2011, the U.S. tech sector grew three times faster than the overall economy. This is success, and we should do nothing to stymie that success.

The U.S. has regained global leadership in mobile innovation. We are ahead of the world in deploying 4G mobile broadband, and those next-generation networks are projected to add more than \$150 billion in GDP growth over the next 4 years. Internet startups attracted \$7 billion in venture capital last year, almost double the 2009 level. The apps economy alone has generated more than 500,000 jobs, and many of those are right smack-dab in my district. You know them: Google, YouTube, and Facebook.

Rest assured, the innovation is continuing. For example, JellyRadio is a small technology company with about 15 employees, and it's located right across the street from my district office. It's already received \$2 million in angel and venture capital. It allows crowdsourcing of radio playlists. You vote for what you want to hear, and the band or subject with the most votes gets played. They just received a local business award for small technology company of the year.

Another is Storm8, the creator of the number one role-playing games on iPhone, iPad, iPod touch, and Android devices and parent company of the number one mobile social game developer, TeamLava. Started in 2009, Storm8 quickly shot to the top of the mobile gaming industry, celebrating its first million-dollar day in June of last year.

These are examples of what we must protect in our FCC operation. We must ensure that innovators like these have the opportunity to grow and thrive. The FCC has a critical role to play in moving us forward technologically and with the jobs that it brings. Broadband has unlocked new opportunities to transform health care, education, energy, and public safety.

Cloud computing is the next wave, a \$68 billion global industry that is growing 17 percent annually. In fact, my son is now working for one of those companies. That's why we need to make sure that the FCC has the ability to make sure there continues to be innovation and competitiveness. The FCC Process Reform Act undermines standard administrative law practices, undoing over 60 years of Federal court precedent under the Administrative Procedures Act, creating uncertainty and

confusion for the FCC and innovative businesses that interact with the agency. It also severely undermines the FCC's ability to develop sensible conditions to protect consumers and ensure competition.

I am a strong component of congressional oversight over agencies within our jurisdiction. That's part of our job. But we have to make sure that the FCC has the tools to do its job as well. So before we risk millions of jobs affected by the important work of the FCC, let's be sure we know how this bill will affect our innovative economy. I urge support of this amendment, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. I rise in opposition to the amendment.

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

Mr. KINZINGER of Illinois. Mr. Chairman, I appreciate the gentleman bringing the amendment forward.

I rise in opposition to it today because in essence what it does is implements a study on the idea of these reforms. These reforms, again, are very basic. This just says, hey, a lot of these are already in place. It opens up the process to the American public. We believe in an open transparent government, an open and transparent system.

This puts a study on the bill that simply has no timeline to it. Let me give you a quick example. The FCC is already behind on completing its reports. It didn't finish its satellite competition report for 2008 until 2011 and still hasn't finished the 2010 report on media ownership. So let's just be very honest with this. This is an attempt to kill this bill. This is an attempt to put a study on it that has no time line and simply allows the FCC to indefinitely delay the reforms that I think, frankly, the American people are demanding of Congress, demanding of Washington, which is to just open up government, let us know what's going on, be transparent. That's basic. That's what we stand for.

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

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

The amendment was rejected.

The Acting CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. KINZINGER of Illinois) assumed the chair.

#### ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3606. An act to increase American job creation and economic growth by improving access to the public capital markets for emerging growth companies.

The SPEAKER pro tempore. The Committee will resume its sitting.

#### FEDERAL COMMUNICATIONS COMMISSION PROCESS REFORM ACT OF 2012

The Committee resumed its sitting.

□ 1720

AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MS. ESHOO

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-422.

Ms. ESHOO. Mr. Chairman, I rise to offer an amendment that is actually Ms. CLARKE's of New York that I am offering on her behalf.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

#### SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in this Act (including the amendment made by section 2 of this Act) shall impede the Federal Communications Commission from ensuring the availability of efficient and effective communications systems for State and local first responders.

Ms. ESHOO. Mr. Chairman, I ask unanimous consent to offer a revised version.

The Acting CHAIR. Does the gentleman ask unanimous consent to modify the amendment?

Ms. ESHOO. I do, Mr. Chairman.

The Acting CHAIR. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 10 offered by Ms. ESHOO:

Page 22, after line 24, insert the following (and redesignate the subsequent section accordingly):

#### SEC. 4. COMMUNICATIONS OF FIRST RESPONDERS.

Nothing in subsection (a) of section 13 of the Communications Act of 1934, as added by section 2 of this Act, shall be construed to impede the Federal Communications Commission from acting in times of emergency to ensure the availability of efficient and effective communications systems for State and local first responders.

The Acting CHAIR. Pursuant to House Resolution 595, the gentleman from California (Ms. ESHOO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. ESHOO. Mr. Chairman, I simply present this amendment on behalf of Ms. CLARKE, and I hope that the majority will accept it.

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

Mr. WALDEN. Mr. Chairman, I appreciate the work we've done with the people involved in this, and we agree to it, and we accept the amendment as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment, as modified, offered by the gentleman from California (Ms. ESHOO).

The amendment, as modified, was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-422 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. CROWLEY of New York.

Amendment No. 5 by Ms. ESHOO of California.

Amendment No. 7 by Mr. OWENS of New York.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. CROWLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. CROWLEY) 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 196, noes 219, not voting 16, as follows:

[Roll No. 134]

AYES—196

Ackerman	Davis (IL)	Kaptur
Altmire	DeFazio	Keating
Amodei	DeGette	Kildee
Andrews	DeLauro	Kind
Baca	Dent	King (NY)
Baldwin	Deutch	Kissell
Barrow	Dicks	Kucinich
Bartlett	Dingell	Langevin
Bass (CA)	Doggett	Larsen (WA)
Becerra	Dold	Larson (CT)
Berkley	Donnelly (IN)	Latham
Berman	Doyle	Lee (CA)
Bishop (GA)	Edwards	Levin
Bishop (NY)	Ellison	Lewis (GA)
Blumenauer	Engel	Lipinski
Bonamici	Eshoo	LoBiondo
Boren	Farr	Loebsack
Boswell	Fattah	Lofgren, Zoe
Brady (PA)	Filner	Lowe
Braley (IA)	Fitzpatrick	Lujan
Brown (FL)	Fortenberry	Lynch
Burgess	Frank (MA)	Markey
Butterfield	Fudge	Matheson
Capps	Garamendi	Matsui
Capuano	Gibson	McCarthy (NY)
Cardoza	Gonzalez	McCollum
Carnahan	Green, Al	McDermott
Carney	Green, Gene	McGovern
Carson (IN)	Griffith (VA)	McIntyre
Castor (FL)	Grijalva	McNerney
Chandler	Gutierrez	Meeks
Chu	Hahn	Miller (NC)
Cicilline	Hanabusa	Miller, George
Clarke (MI)	Hastings (FL)	Moore
Clarke (NY)	Heck	Moran
Clay	Heinrich	Murphy (CT)
Cleaver	Higgins	Nadler
Clyburn	Himes	Napolitano
Cohen	Hinche	Neal
Connolly (VA)	Hinojosa	Oliver
Conyers	Hirono	Owens
Cooper	Hochul	Pallone
Costa	Holden	Pascarell
Costello	Holt	Pastor (AZ)
Courtney	Honda	Paulsen
Critz	Hoyer	Pelosi
Crowley	Israel	Perlmutter
Cuellar	Johnson (GA)	Peters
Cummings	Johnson, E. B.	Peterson
Davis (CA)	Jones	Pingree (ME)



Quigley  
Rahall  
Reyes  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Runyan  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader

Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (NJ)  
Smith (WA)  
Speier  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)

Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Wittman  
Woolsey  
Yarmuth

Rangel  
Richardson

Ruppersberger  
Rush

Welch  
Wilson (FL)

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  
Wilson (FL)  
Woolsey  
Yarmuth  
Young (FL)

NOES—219

Adams  
Aderholt  
Alexander  
Amash  
Austria  
Bachmann  
Bachus  
Barletta  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
DesJarlais  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Flake  
Fleischmann  
Fleming  
Forbes  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy

Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lance  
Landry  
Lankford  
LaTourette  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Maloney  
Manzullo  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Palazzo

Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Quayle  
Hartzler  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southernland  
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)  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NOT VOTING—16

Akin  
Diaz-Balart  
Flores  
Jackson (IL)

Jackson Lee  
(TX)  
Lamborn  
Mack

Marchant  
Paul  
Price (NC)

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barton (TX)  
Bass (CA)  
Beccerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chiu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell

Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinche  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Cuellar  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch

Maloney  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Polis  
Quigley  
Rahall  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Bass (NH)  
Benishek  
Berg  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson

Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Hochul  
Huelskamp  
Huiuzenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Cantor  
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.  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

Nunnelee  
Olson  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southernland  
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 (IN)

NOT VOTING—14

Akin  
Diaz-Balart  
Flores  
Hinojosa  
Jackson (IL)

Jackson Lee  
(TX)  
Larson (CT)  
Mack  
Marchant

Paul  
Price (NC)  
Rangel  
Ruppersberger  
Welch

□ 1754

Mr. WEBSTER changed his vote from “aye” to “no.”

Mr. BUTTERFIELD, Ms. TSONGAS, Messrs. SMITH of Washington, KING of New York, Ms. WASSERMAN SCHULTZ, and Mr. BURGESS changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MS. ESHOO

The Acting CHAIR. The unrecorded business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. ESHOO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 238, not voting 14, as follows:

[Roll No. 135]  
AYES—179

Ackerman  
Altmire  
Andrews  
Baca  
Baldwin  
Barton (TX)  
Bass (CA)  
Beccerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Boswell  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chiu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell

Maloney  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Polis  
Quigley  
Rahall  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David

Canseco  
Cantor  
Capito  
Cardoza  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Cooper  
Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson

Jordan  
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.  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

Akin  
Diaz-Balart  
Flores  
Hinojosa  
Jackson (IL)

Jackson Lee  
(TX)  
Larson (CT)  
Mack  
Marchant

Paul  
Price (NC)  
Rangel  
Ruppersberger  
Welch

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1758

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON of Connecticut. Mr. Chair, on Tuesday, March 27, 2012 I was not present for rollcall vote No. 135. If I had been present I would have voted "aye."

Mr. HINOJOSA. Mr. Chair, on rollcall No. 135, had I been present, I would have voted "aye."

AMENDMENT NO. 7 OFFERED BY MR. OWENS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. OWENS) 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 194, noes 222, not voting 15, as follows:

[Roll No. 136]

AYES—194

Ackerman	Davis (CA)	Johnson, E. B.
Alexander	Davis (IL)	Jones
Altire	DeFazio	Keating
Andrews	DeGette	Kildee
Baca	DeLauro	Kind
Baldwin	Dent	Kissell
Barrow	Deutch	Kucinich
Bass (CA)	Dicks	Langevin
Becerra	Dingell	Larsen (WA)
Berkley	Doggett	Larson (CT)
Berman	Dold	Lee (CA)
Bishop (GA)	Donnelly (IN)	Levin
Bishop (NY)	Doyle	Lewis (GA)
Blumenauer	Edwards	Lipinski
Bonamici	Ellison	LoBiondo
Boren	Engel	Loebsack
Boswell	Eshoo	Lofgren, Zoe
Brady (PA)	Farr	Lowey
Braley (IA)	Fattah	Lujan
Brown (FL)	Filner	Lynch
Butterfield	Fudge	Maloney
Capps	Garamendi	Markey
Capuano	Gerlach	Matsui
Cardoza	Gibson	McCarthy (NY)
Carnahan	Gohmert	McCollum
Carney	Gonzalez	McDermott
Carson (IN)	Green, Al	McGovern
Castor (FL)	Green, Gene	McIntyre
Chandler	Grijalva	McNerney
Chu	Guinta	Meeks
Cicilline	Gutierrez	Michaud
Clarke (MI)	Hahn	Miller (NC)
Clarke (NY)	Hanabusa	Miller, George
Clay	Hanna	Moore
Cleaver	Hastings (FL)	Moran
Clyburn	Heinrich	Murphy (CT)
Coffman (CO)	Higgins	Nadler
Cohen	Himes	Napolitano
Connolly (VA)	Hinchee	Neal
Conyers	Hinojosa	Olver
Cooper	Hirono	Owens
Costa	Hochul	Pallone
Costello	Holden	Pascarell
Courtney	Holt	Pastor (AZ)
Critz	Honda	Pelosi
Crowley	Hoyer	Perlmutter
Cuellar	Israel	Peters
Cummings	Johnson (GA)	Peterson

Pingree (ME)	Schiff	Tonko
Polis	Schrader	Towns
Quigley	Schwartz	Tsongas
Rahall	Scott (VA)	Van Hollen
Reyes	Scott, David	Velázquez
Ribble	Serrano	Visclosky
Richardson	Sewell	Walz (MN)
Richmond	Sherman	Wasserman
Ross (AR)	Shuler	Schultz
Rothman (NJ)	Sires	Waters
Roybal-Allard	Slaughter	Watt
Rush	Smith (WA)	Waxman
Ryan (OH)	Speier	Wilson (FL)
Sánchez, Linda T.	Stark	Wittman
Sanchez, Loretta	Sutton	Woolsey
Sarbanes	Thompson (CA)	Yarmuth
Schakowsky	Thompson (MS)	
	Tierney	

NOES—222

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

NOT VOTING—15

Flores	Jackson (IL)
Frelinghuysen	

Akin	Jackson Lee	Price (NC)
Diaz-Balart	(TX)	Rangel
Flores	Kaptur	Rohrabacher
Frelinghuysen	Mack	Ruppersberger
Jackson (IL)	Marchant	Welch
	Paul	

□ 1802

So the amendment was rejected. The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Chair, on rollcall No. 134, 135, and 136, I was delayed and unable to vote. Had I been present, I would have voted "no" on all three.

The Acting CHAIR. The question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DOLD) having assumed the chair, Mr. YODER, 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. 3309) to amend the Communications Act of 1934 to provide for greater transparency and efficiency in the procedures followed by the Federal Communications Commission, and, pursuant to House Resolution 595, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. PERLMUTTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. PERLMUTTER. In its current form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Perlmutter moves to recommit the bill, H.R. 3309, to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

Page 23, after line 5, insert the following:

**SEC. 5. PROTECTING THE PASSWORDS OF ONLINE USERS.**

Nothing in this Act or any amendment made by this Act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule

that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking web sites.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 5 minutes.

Mr. PERLMUTTER. Mr. Speaker, what I'd like to do is to read again this amendment, because once I've read it, I imagine that everyone in this House of Representatives will embrace this amendment, this final amendment to the bill, and will vote in favor of this amendment. It says:

Nothing in this act or any amendment made by this act shall be construed to limit or restrict the ability of the Federal Communications Commission to adopt a rule or to amend an existing rule to protect online privacy, including requirements in such rule that prohibit licensees or regulated entities from mandating that job applicants or employees disclose confidential passwords to social networking Web sites.

What this amendment does is it says you cannot demand, as a condition of employment, that somebody reveal a confidential password to their Facebook, to their Flickr, to their Twitter, to whatever their account may be. It only makes sense because those that are using these kinds of social media have an expectation of privacy. They have an expectation that their right to free speech or their right to free religion will be respected when they use these social media outlets.

Now, if an employer wants to pose as or impersonate the individual who's had to turn over their confidential password, that employer I think will be able to reach into personal private information of the user, of the Facebook user, for instance, or the Facebook member, or of the person who is communicating with them, the friend of the Facebook user. So there are two sides to this, both the user of the Facebook as well as those people who correspond with them, that have an expectation of privacy.

Now, these kinds of communications are going to be very personal. Facebook, itself, in an original post dated March 23, 2012, says:

In recent months, we've seen a distressing increase in reports of employers or others seeking to gain inappropriate access to people's Facebook profiles or private information. This practice undermines the privacy expectations and the security of both the user and the user's friends. It also potentially exposes the employer who seeks this access to unanticipated legal liability.

They continue:

The most alarming of these practices is the reported incidences of employers asking prospective or actual employees to reveal their passwords. If you are a Facebook user, you should never have to share your password, let anyone access your account, or do anything that might jeopardize the security of your account or violate the privacy of your friends.

This is a very simple, straightforward amendment. It is one that everybody ought to embrace.

Now, some people might say, well, shouldn't an employer have this right?

Well, employers can always do what they've done for years, which is to check references, to do background checks, but to do it as themselves, not as an imposter. They can do it directly. So if my reference is being checked, somebody knows that they're dealing with my employer, not some imposter. It is just that simple. People have an expectation of privacy, both the user and their friend.

There is clearly the potential for liability to an employer or somebody who comes in and misuses the confidential password. There is already plenty available to employers to do their background checks that they may need without posing and using the confidential password.

□ 1810

This amendment is simple. It is straightforward. I urge its passage. It is the final amendment that we will present to this bill.

Mr. MCHENRY. Will the gentleman yield?

Mr. PERLMUTTER. I yield to my friend, the gentleman from North Carolina.

Mr. MCHENRY. I appreciate it.

I've been working on legislation similar to this. If the gentleman would withdraw, I would be happy to work with him to find legislative language that could be acceptable to all sides, including to national security interests.

Mr. PERLMUTTER. In reclaiming my time from my friend from North Carolina, I would love to work with you, but this is the amendment we are proposing to this bill at this time. I am asking for a vote on this bill at this time.

Mr. Speaker, again, this is a straightforward amendment. It's one everybody should vote for.

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

Mr. WALDEN. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Oregon is recognized for 5 minutes.

Mr. WALDEN. I thank the gentleman, and I would just like to draw your attention to several points.

First of all, we had a very open process with hearings in the Energy and Commerce Communications and Technology Subcommittee, and this issue didn't come up. We had a markup in the subcommittee, and there were no amendments offered of this nature. We had a markup in the full committee, and there were no amendments offered. We had an opportunity for all Members to offer amendments on the floor, where they could be thoughtfully debated, and this amendment was not put in this context. Now it suddenly appears before us at the last minute of this day. So it would have been helpful to have been able to have had this discussion because many of us share the concern that the gentleman is talking about.

I think it's awful that employers think they can demand our passwords and can go snooping around. There is no disagreement with that. Here is the flaw: Your amendment doesn't protect them. It doesn't do that. Actually, what this amendment does is say that all of the reforms that we are trying to put in place at the Federal Communications Commission, in order to have them have an open and transparent process where they are required to publish their rules in advance so that you can see what they're proposing, would basically be shoved aside. They could do whatever they wanted on privacy if they wanted to, and you wouldn't know it until they published their text afterward. There is no protection here. There is nothing there to enforce.

What this motion to recommit does here at the last minute—and if we could have had time to work this out ahead of time, we might have figured out something we could have both agreed on.

Mr. PERLMUTTER. Will the gentleman yield?

Mr. WALDEN. No, I won't.

What we have here is a problem that you exempt from the process. You don't protect the consumer. There are many of us who, after this debate concludes and we move on, would be happy to work with you on legislation because I think this is a real issue that we all share, and that is protecting privacy. This doesn't do that. In fact, you could open the door where they could allow employers and licensees to go after your stuff, and you wouldn't know it until they published the rule.

So I urge a "no" vote on this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 184, noes 236, not voting 11, as follows:

[Roll No. 137]

AYES—184

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

Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Donnelly (IN)  
Doyle  
Edwards  
Ellison  
Eshoo  
Farr  
Fattah  
Filner  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel

Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Jones  
Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larsen (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeback  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Green, Gene  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascrell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Peterson  
Pingree (ME)

Polis  
Price (NC)  
Quigley  
Rahall  
Reyes  
Richardson  
Richmond  
Ross (AR)  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schradler  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
McGovern  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

NOES—236

Adams  
Aderholt  
Alexander  
Amash  
Amodeli  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert  
Billray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boustany  
Brady (TX)  
Brooks  
Brown (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway

Cravaack  
Crawford  
Crenshaw  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmlers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie

Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo

Marino  
McCarthy (CA)  
McCaul  
McClintock  
McCotter  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey

Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribbon  
Rigell  
Rivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NOT VOTING—11

Akin  
Berkley  
Diaz-Balart  
Engel  
Flores  
Jackson (IL)  
Mack  
Marchant

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1831

Mr. OWENS changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. BERKLEY. Mr. Speaker, on rollcall No. 137, I was unavoidably detained. Had I been present, I would have voted “aye.”

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

Ms. ESHOO. 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 247, noes 174, not voting 10, as follows:

[Roll No. 138]

AYES—247

Adams  
Aderholt  
Alexander  
Amash  
Amodeli  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishkek  
Berg  
Biggert

Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Brown (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess

Crawford  
Crenshaw  
Cuellar  
Culberson  
Davis (KY)  
Denham  
Dent  
DesJarlais  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Eilmlers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Hochul  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Jenkins  
Johnson (IL)  
Johnson (OH)

Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
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  
Owens  
Palazzo  
Paulsen  
Pearce  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed

Rehberg  
Reichert  
Renacci  
Ribbon  
Rigell  
Rivers  
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  
Schrock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Smith (TX)  
Smith (NY)  
Smith (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NOES—174

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

Clay  
Cleaver  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Critz  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Filner

Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchev  
Hinojosa  
Hirono  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind

Kissell	Napolitano	Scott, David
Kucinich	Neal	Serrano
Langevin	Olver	Sewell
Larsen (WA)	Pallone	Sherman
Larson (CT)	Pascrell	Sires
Lee (CA)	Pastor (AZ)	Slaughter
Levin	Pelosi	Smith (WA)
Lewis (GA)	Perlmutter	Speier
Lipinski	Peters	Stark
Loebsock	Pingree (ME)	Sutton
Lofgren, Zoe	Polis	Thompson (CA)
Lowey	Price (NC)	Thompson (MS)
Luján	Quigley	Tierney
Lynch	Rahall	Tonko
Maloney	Reyes	Towns
Markey	Richardson	Tsongas
Matsui	Richmond	Van Hollen
McCarthy (NY)	Rothman (NJ)	Velázquez
McCollum	Roybal-Allard	Vislosky
McDermott	Rush	Walz (MN)
McGovern	Ryan (OH)	Wasserman
McNerney	Sánchez, Linda	Schultz
Michaud	T.	Waters
Miller (NC)	Sanchez, Loretta	Watt
Miller, George	Sarbanes	Waxman
Moore	Schakowsky	Welch
Moran	Schiff	Wilson (FL)
Murphy (CT)	Schwartz	Woolsey
Nadler	Scott (VA)	Yarmuth

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, today I was unavoidably detained on the following votes:

On rollcall 134, the Crowley amendment, I would have voted “aye.” On rollcall vote 135, the Eshoo amendment, I would have voted “aye.” On rollcall vote No. 136, the Owens amendment, I would have voted “aye.”

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, I was unavoidably detained yesterday evening on business.

On H.R. 2779, rollcall vote No. 127, I would have voted “yea”; H.R. 2682, rollcall vote No. 128, I would have voted “yea”; and rollcall vote No. 129, I would have voted “no.”

□ 1840

FALLEN HEROES TRAVELING MEMORIAL WALL

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

Mrs. BIGGERT. Mr. Speaker, I rise today to commend the phenomenal efforts of the Illinois Patriot Guard and Gold Star families who joined together to launch a traveling tribute to honor our State’s fallen heroes. I had the opportunity to view the Illinois Patriot Guard Fallen Heroes Traveling Memorial Wall during its stop at the Kendall VFW Post Number 3873 in Naperville, Illinois, this past week.

It was moving beyond words to see the photos of the 272 brave men and women from Illinois who made the ultimate sacrifice for our country during Operations Enduring Freedom and Iraqi Freedom. To date, this memorial wall has traveled more than 30,000 miles through at least 60 communities throughout the State of Illinois. It paints a powerful portrait of the sacrifices made by our troops.

As our 30th President, Calvin Coolidge, said, “A nation which forgets its defenders will itself be forgotten.” Our fallen soldiers will be remembered forever. And thanks to the families and veterans who put this traveling memorial together, communities across our State have a very special opportunity to gather together in tribute to these heroes.

PUT NEVADA’S MIDDLE CLASS FAMILIES AND SENIORS FIRST

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

Ms. BERKLEY. Mr. Speaker, this week, Washington Republicans are showing Nevada families exactly who their priority is. Unfortunately, it’s not Nevada’s middle class families. This week, Republicans are reiterating their support for taxpayer giveaways

for Big Oil, despite the fact that gas prices are soaring—and the oil industry made \$137 billion in profits last year.

Nevadans are hurting every time they go to the pump. The Republicans’ answer to higher gas prices is more government handouts for Big Oil. This is the wrong priority. But, wait, there’s more. On Thursday, they’ll bring up the new—but not improved—Ryan budget that once again kills Medicare by turning it over to private insurance companies. The plan is bad. Instead of improving care for Nevada’s seniors, seniors would be forced to pay thousands more out of pocket for their health care.

Nevada is suffering with the highest unemployment rate and highest foreclosure rate in the Nation. Republicans, get your priorities straight. We must put Nevada’s middle class families and seniors first—not Big Oil and profit-hungry insurance companies.

TAKE YOUR CRIMINAL OUTLAWS BACK

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

Mr. POE of Texas. Mr. Speaker, Vietnamese citizen Binh Thai Luc was convicted of armed robbery of a Chinese restaurant in California in 1996. He received 10 years in prison. He was also ordered by an immigration judge to be deported back to Vietnam. But Vietnam has never taken back the lawfully deported criminal. U.S. law does not allow indefinite incarceration, so after an additional 180 days, Luc was released on American streets. Last weekend, Luc struck again. This time, he murdered five people in San Francisco.

Mr. Speaker, there should be consequences for countries like Vietnam who fail to take back their lawfully deported criminals. There are several thousand criminals ordered deported back to their native lands where their nations just don’t ever get around to taking them back. So I have introduced the Deport Foreign Convicted Criminals Act to prohibit the issuance of diplomatic visas to nations who do not take back their outlaws in a timely matter.

The blood of those five murdered victims is not only the fault of Luc, but it’s also on the hands of the Vietnamese Government.

And that’s just the way it is.

U.S. POSTAL SERVICE

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

Ms. JACKSON LEE of Texas. Mr. Speaker, today a number of postmasters from the United States Postal Service were in my office, and they had a very good idea about how important the U.S. Postal Service is, the jobs that it creates, and how we should find solutions.

NOT VOTING—10

Akin	Mack	Rangel
Diaz-Balart	Marchant	Ruppersberger
Flores	Meeks	
Jackson (IL)	Paul	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1837

So the bill was passed.  
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 137 and 138, I was delayed and unable to vote. Had I been present, I would have voted “no” on rollcall No. 137 and “aye” on rollcall No. 138.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 112, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2013

Mr. WOODALL, from the Committee on Rules, submitted a privileged report (Rept. No. 112-423) on the resolution (H. Res. 597) providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3596

Mr. BISHOP of New York. Mr. Speaker, I ask unanimous consent to remove the name of Mr. PITTS of Pennsylvania as a cosponsor of H.R. 3596.

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

There was no objection.

In my own community, heavily occupied by seniors, they cried out when post offices were closed that were close to their community, where they were able to walk and secure their checks. Some of them like to come directly to handle their business. We are better than closing down post offices in rural and urban America, and we're better than not finding a solution to employ hardworking Americans in an efficient and effective manner.

I look forward to working with our postal family, those hardworking Americans all across America who have been the good Samaritans to determine whether our seniors were in need of bringing medicine to homebound patients, bringing information and helping small businesses.

We can work to solve this problem efficiently and effectively.

#### HONORING THE SERVICE OF JOHN V. SULLIVAN, HOUSE PARLIAMENTARIAN, UPON HIS RETIREMENT

The SPEAKER pro tempore (Mr. GARDNER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 60 minutes as the designee of the majority leader.

The Chair understands that all time yielded by Mr. DINGELL will be yielded through Mr. LATOURETTE.

Mr. LATOURETTE. I thank the Speaker very much, and I understand that I can't ask unanimous consent to give half to the dean of the House, but we're going to work it out, and since we're talking about the Parliamentarian, hopefully we'll get a favorable ruling from the Parliamentarian on the distribution of time. I'm going to be joined on the Democratic side in this rare burst of bipartisanship by the dean of the House, Mr. DINGELL of Michigan, and a number of Members on both sides of the aisle are going to come talk about what to some of us was kind of a shock, and that is the announced retirement of our Parliamentarian, John Sullivan.

Because I'm going to be here for the full hour along with Mr. DINGELL, I'm going to yield to Members who have other time commitments, but I want to make sure that they have the opportunity to say what it is they feel they need to express about Mr. Sullivan's service to the House.

With that, Mr. Speaker, I am pleased to yield to Mr. THORNBERRY of Texas.

Mr. THORNBERRY. I thank the gentleman from Ohio for yielding.

Mr. Speaker, every person elected to the House believes that we're here to do important work on behalf of our district. Of course, the House is bigger than any one issue or any one person. Yet, there are a relatively small number of persons who are central to the functioning of this House. Too often, I'm afraid, Members get so wrapped up in what we're trying to do that maybe we take for granted the institution of

the House. But it is the institution that is established in the Constitution. It's the institution that provides the continuity of government as political majorities come and go, and it's the institution that provides the legitimacy and the respect for what we do here.

I say all that to make the point that I think, in many ways, the Parliamentarian is the central figure for the institution of the House. Since 1927, there have only been four of them, and in my time here, we have been incredibly privileged to have had two outstanding public servants, Charles Johnson and John Sullivan, serve in that position.

It is with some regret, but even more with respect and gratitude, that we honor the service, but I'd say just as much the character and the intellectual integrity, of John Sullivan as he leaves the House to begin a new chapter in his life.

As one of those who has benefited from John's steady guidance while I was in the chair, I can testify to his even temper. He guides our proceedings with intellect and logic, based on the Constitution, the rules of the House, and our precedent. But at the same time, he is able to factor in the human dimension, taking into account the personality of the person in the chair as well as that of the persons at the microphone. And that means it's as much art as it is science to keep the House running smoothly.

Much of the work he does, of course, is done off the House floor, advising Members and staff as to how they can accomplish their goals within the rules and precedents of the House. I have tremendous respect, though, for John's abilities and for his professionalism. But I have even greater appreciation for his commitment to and his love for this institution, for that portion of his heart that he has given to the House for the past 25 years.

He has elevated each of us who have worked with him, but more importantly, he has elevated the institution of the House of Representatives through which government by the people's representatives is possible. He is among our best and brightest, and all of us here, and the institution, will miss him greatly.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan.

#### GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and to extend their remarks and to include extraneous material on the matter of this Special Order, referring very specifically to our dear friend, the Parliamentarian, Mr. Sullivan.

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

There was no objection.

Mr. DINGELL. I want to thank the Chair for the kindness that you have shown me, and I want to express my

particular thanks and good wishes to my dear friend, Mr. LATOURETTE, before this matter, and now, through the distinguished gentleman from Ohio, I yield to the distinguished minority leader, my friend, Mr. HOYER, the gentleman from Maryland.

□ 1850

Mr. HOYER. I thank the gentleman for yielding. I want to thank the gentleman from Michigan, but certainly also my friend from Ohio, both of whom have served here for a long period of time and who love this institution and know how critical the functions are of the Parliamentarian. I want to thank them both.

Mr. DINGELL has had the privilege of serving alongside all four of the men who have been the modern Parliamentarians in this House. I've had the privilege of serving with three of them.

When the Framers of the Constitution wrote article I, section 5, clause 2, they probably had little idea of the volume of precedents that would accumulate in the 224 years since the House convened and adopted its first rules.

Today, the job of the Parliamentarian is probably one of the most difficult in Washington. A thorough understanding of the rules of precedents is a prerequisite to be an accomplished Parliamentarian. John Sullivan has that. One must also, however, have the respect of every Member of this House. John Sullivan has that.

That is what John Sullivan achieved over the course of his 17 years in the Parliamentarian's Office. As our Parliamentarian for the last 8 of those years, John has sat beside the Speaker's rostrum through some of the most heated floor debates I've ever seen, indeed perhaps in which I've participated.

Throughout, he preserved the impartiality of and the high regard for his office in the eyes of both Democrats and Republicans—when Democrats were in charge and when Republicans were in charge—and he demonstrated his keen and incisive command of precedent issuing his rulings.

Hearing of John's decision to retire, I was among the many Members who felt that they were losing a respected colleague and friend. Because after his tenure here, John Sullivan has left his mark on the House no less than any of us who were elected to serve here by our constituents. He, no less than ourselves, has served the American people well.

As we wish him the best in retirement, we also welcome as our new Parliamentarian a man who is eminently qualified to succeed him in office. Tom Wickham has been at John's side throughout his tenure in the Parliamentarian's Office, and I know John is leaving us in very capable hands.

Mr. Speaker, I join you and my colleagues and everyone else who has come to the floor this evening celebrating John's service to this House and to our Nation.

I wish him well and thank him for all he has done to preserve the order—and with it the honor—of the people's House.

John, you have been a great public servant in the best traditions of that term. You have been someone, as I said earlier, who has been respected by every leader of both parties, an individual who has listened intently, who has judged fairly, and whose judgments have made this House better.

John Sullivan, well done, the House's good and faithful servant. Well done as a friend and colleague and adviser.

Many of us are better Members of this House because of John's counsel through the years, and this House is certainly a better place for his service. I congratulate him and wish him God-speed.

And I thank the gentleman from Michigan and the gentleman from Ohio for leading this Special Order to praise and give testimony to the outstanding service of our friend, John Sullivan.

Mr. LATOURETTE. Mr. Speaker, I want to thank the distinguished minority whip for those observations.

It is now my pleasure to yield to the distinguished chairman of the Rules Committee, Mr. DREIER of California, who, sadly, like Mr. Sullivan, has decided to move into retirement. And like Mr. Sullivan, he will be greatly missed for his institutional knowledge in the House of Representatives.

Mr. DREIER. I thank my friend for yielding.

I want to join the distinguished gentleman from Maryland in expressing appreciation to my friends, Messrs. DINGELL and LATOURETTE, for taking time out to talk about John Sullivan. It is true that I decided to follow the Sullivan lead, and I too will be leaving the Congress. I'm going to stay a little longer than John has. I'm going to stay until January, but I will tell you that this place is a much better institution for the service of John Sullivan.

Mr. Speaker, I would like to begin by associating myself with the remarks of my friend from Maryland, with one very important correction. We scurried around over here when my friend said 17 years. It, in fact, is 27 years that John Sullivan has served in the Parliamentarian's Office. So I offer that one minor, but very important, correction to my friend from Maryland.

I take to the well to do something that I don't often do and that is to read. The reason I'm doing it is I'm trying to show off the Rules Committee. We're very proud of the fact that the House Committee on Rules—I'd say to my friend from Michigan and my friend from Ohio, however eloquent you all will be in talking about John Sullivan, you have not done what the Rules Committee did last night, and that is pass out a resolution, an enrolled resolution commemorating the great service of John Sullivan. So I would like to share that with our colleagues, if I might.

It says:

Whereas the Honorable John V. Sullivan has been a committed government servant for over 40 years and worked in the House of Representatives for 27 years;

Whereas Mr. Sullivan was appointed to the Office of the Parliamentarian in 1987 and, over the ensuing 25 years has served under six successive Speakers, the past eight years as Parliamentarian of the House of Representatives under the appointments of three successive Speakers;

Whereas Mr. Sullivan has displayed extraordinary rigor in the application of pertinent precedent to every parliamentary question and provided sage counsel and advice in matters critical to the institution;

Whereas the Committee on Rules constantly relies on the advice, counsel, and expertise of Mr. Sullivan to meet the Committee's obligations to the House;

Whereas Mr. Sullivan has cultivated and led a team of dedicated and nonpartisan deputies, assistants, and clerks committed to ensuring that the decisions of the Chair and the operation of the rostrum are regarded by all as fair, accurate, and professional;

Whereas Mr. Sullivan has served the House during a period of ongoing transition with shifting majorities, and has done so to the same standard of nonpartisan excellence expected from the Parliamentarian;

Whereas Mr. Sullivan participated in numerous programs of the House Democracy Partnership, providing advice and counsel to legislators from new and reemerging democracies around the globe as they work to strengthen their legislative institutions, reform their rules of procedure, and amend their constitutions;

Whereas Mr. Sullivan has endeavored to update the practices and procedures of the House to reflect developments in technology while remaining faithful to the institution's Constitutional underpinnings; and

Whereas Mr. Sullivan has informed the Speaker that he will be beginning a well-deserved retirement on the last day of March, two thousand and twelve: Now, therefore, be it

*Resolved, That—*

(1) the Committee on Rules, on behalf of the Committee and the House, expresses its profound gratitude to the Honorable John V. Sullivan for his exemplary record of service and his steady, impartial advice and guidance as the Parliamentarian of the House of Representatives; and

(2) the Clerk of the Committee is hereby directed to prepare this resolution in a manner suitable for presentation to Mr. Sullivan.

I signed this, as did the ranking member, my good friend from Rochester, Ms. SLAUGHTER.

This is suitable for framing. We will have one for framing, and Mr. Sullivan will be able to have this. I would like to, Mr. Speaker, just take a moment, if I might, since everyone will be talking about John's work here—I mentioned the work up in the Rules Committee and we did have one whereas clause where we talked about the House Democracy Partnership. I would like to share with our colleagues the work of the House Democracy Partnership, because not everyone is aware of the projects that the House Democracy Partnership has taken on.

It is an extraordinarily bipartisan organization that in the post-September 11 world was designed to focus on strengthening the legislative branches. I see my good friend from Texas (Mr. CONAWAY) here who is a member of our

partnership. It is designed to strengthen the legislative branches in new and reemerging democracies around the world.

□ 1900

My colleague from North Carolina (Mr. PRICE) and I serve as cochairs of this effort, and we just established our 17th partner in central Asia, the country of Kyrgyzstan; and, in fact, we're going to be, at the end of this week, continuing our mission. We're going to be going to two of our partner countries, Kosovo and Macedonia; and we'll be in Libya and Egypt as well, where we're going to be talking about the importance of strong, vibrant parliaments.

Well, I've got to say that the House Democracy Partnership and these countries have been the great beneficiaries of John Sullivan's expertise, specifically in Kenya.

We had an opportunity to visit Liberia and Kenya, two of our partner countries. We were in Mali, as well, on this one particular trip. Following the very, very tragic aftermath of the '07 elections in Kenya, there was a huge change that took place—lots of disruption, to put it mildly. And Kenya has just gone through a whole constitution reform process.

When we were in Kenya, John Sullivan spent time looking at the proposed constitution, meeting with the staff members and members of Parliament in Kenya, and he was virtually immediately able to cite a number of discrepancies that took place in the constitution. And so his very, very shrewd skill and expertise has not only been utilized to the benefit of the United States House of Representatives, but, in Kenya and in other countries that we have visited, John Sullivan has been able to use his expertise for the expansion of democracies around the world. He's met with a number of our incoming delegations, and it has been, again, extraordinarily important work.

So, Mr. Speaker, I'd like to express my appreciation to John for his work and to express best wishes. We all know that Wick has big shoes to fill, but he's going to do a stellar job in this very, very important position as Parliamentarian.

And I have to say that I hope very much that, as John Sullivan goes into retirement, he will continue, as his predecessor Charlie Johnson has, to focus on this institution and also on the imperative of doing what we can to expand self-determination, political pluralism, and the development of democratic institutions around the world as well.

So I say congratulations. I'm now going to present this to our friend, Mr. Sullivan, Mr. Speaker, and I thank my friends for yielding.

Mr. DINGELL. Mr. Speaker, at this time I yield to my dear friend from California (Mr. SCHIFF), through my distinguished friend from Ohio.

Mr. SCHIFF. I thank the gentleman for yielding, and I rise to thank our House Parliamentarian, John Sullivan, for his years of service to his Nation and to the House of Representatives. John has been a trusted adviser and an honest broker of the rules of the House. He has served at a time when partisan rancor has, unfortunately, been prevalent in this body, but his integrity and impartiality have remained beyond question and beyond reproach.

John joined the Office of the Parliamentarian 25 years ago, rising to his current role in 2004 when he was appointed by Speaker Hastert. Before joining the Office of the Parliamentarian, he had a distinguished career as an active duty member of the U.S. Air Force. He also served as respected counsel on the House Armed Services Committee.

As Parliamentarian, John's keen legal mind and passion for the Constitution has always been apparent. I remember with great fondness working with the Parliamentarian on some very difficult issues involving the Armenian genocide, one of the most challenging parliamentary issues I think we've faced in terms of how to navigate questions of germaneness. Through that process, and every other that I have come to work with the Parliamentarian, I respected his insights, his intellect, his integrity, and his dedication to his job.

He has been a phenomenal asset to this institution, and I know that his successor, Tom Wickham, who currently serves as Deputy Parliamentarian, will continue in John's legacy of professionalism.

John, I want to thank you for your service to this body, and I know that my colleagues join me in wishing you the best of luck in future endeavors.

Mr. LATOURETTE. Mr. Speaker, it's now my pleasure to yield—and you'll notice a theme here. There's nothing greater than the honor of being asked by the Speaker, either Mr. BOEHNER or Ms. PELOSI or Mr. Hastert, to be the Speaker pro tem and preside over the House, and you'll see a theme of Members from both sides who have had the privilege of doing that and have had the benefit of the counsel of Mr. Sullivan.

One of our best presiding officers, the gentlelady from Illinois (Mrs. BIGGERT), I am pleased to yield to her.

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, it's not every day we get to speak on the House floor about friends and colleagues that are not constituents or other Members of Congress, and tonight we have the distinct privilege to recognize a friend and fixture of Congress behind the scenes, Mr. John Sullivan.

Most of you will probably remember that John was appointed Parliamentarian by our former colleague, Speaker Dennis Hastert, in 2004 and did serve for 25 years. Those that have worked with him will tell you he's an excellent

Parliamentarian, an institutionalist, and a man of integrity that truly cares about the House of Representatives. He would never bend the rules to pursue a certain outcome. And how you play the game is more important to him than whether you win or lose.

I just wanted to tell a couple of things.

When I first came to Congress, at that time, freshmen always had a week to chair the floor at night. And so I guess because I had a "B" for a last name, BIGGERT, that I got to do it first. Now, the only problem with that was that it was the training was the next week. So I went to the floor and I stood up there and I had this microphone sitting there, and I looked out and I said, What am I doing here? And I think I was kind of frozen, and John said, This is what you do. And so I proceeded on.

Another time, I was in the chair and suddenly there was a lapse of decorum by two of our Members, one on each side of the aisle. I won't name the names. But suddenly they started moving towards each other, and I said, What do I do? And he said, Bang the gavel hard and multiple times. So suddenly they stopped in their tracks and they did retreat back to the desk to continue after we got things under control.

So I really appreciate that we have had this opportunity. It is really an honor to stand and chair this floor, and I think that the Parliamentarian, John Sullivan, made it easy.

I have a few other things that you may not know about John: that he went to the Air Force Academy, and as a graduate of Indiana University's law school, he is a huge Hoosier fan. And I can only imagine how proud he was of the Indiana Elite Eight basketball performance against Kentucky last Friday. The only thing wrong was that Kentucky beat Indiana by 1 point, 73-72, so that kind of ended Indiana in the March Madness.

Another part of the behind-the-scenes function of the House that John's strategic wisdom and advice was critical to the continuity of the House function was in the days and weeks following the tragic events of September 11, 2001, and he performed there admirably.

John has led the Parliamentarian's Office in a collegial and a very professional manner to the benefit of the Office, the Members and the House. We are fortunate for his service and wish him well in retirement. We will miss him.

Mr. DINGELL. Mr. Speaker, at this time I yield to, through my good friend from Ohio, to the distinguished gentleman from Virginia, Mr. MEL WATT.

Mr. WATT. Mr. Speaker, I thank the gentleman for yielding. Of course I'm not from Virginia, I'm from North Carolina, but that happens to me and BOBBY SCOTT all the time. We get confused with each other, States and personalities, because we sit beside each other in Judiciary and we're good

friends. So I'm never insulted when anybody does that to me.

I dare say that if folks are watching this proceeding on C-SPAN or at home they're wondering, Who in the world is John Sullivan? And I think that's probably the highest commendation that we can give to John Sullivan as a Parliamentarian, because if he had been involved in any kind of controversy or one side or the other in this institution had accused him of misinterpreting rules, then people would know that there's a Parliamentarian that's basically the referee in this institution that both sides have to respect in order for the institution to work effectively.

□ 1910

There has been no controversy—I mean, that the people outside know about. We know inside our institution that the Parliamentarians are dealing with controversial rulings, close rulings, trying to figure out what the precedents are for what we can do and cannot do, what has been done this way in the past and, therefore, represents a precedent for us to be able to do it in the future. But outside, nobody has ever heard of John Sullivan because there has been no controversy, and that's a great thing to have said about him.

He has been absolutely even-handed. You've heard the word "nonpartisan" because this is a position that you cannot be or take the Republican side or the Democratic side. You've got to call the rules as you see them. There's nothing worse than at the end of March Madness, at the end of the game, one team saying that the referees influenced the outcome of the game. So that's a high mark for John Sullivan.

When he replaced the prior Parliamentarian, Mr. Johnson, I thought surely we would go into some level of chaos; but the only difference I've ever been able to distinguish between him and Mr. Johnson is that he can't throw a baseball like our prior Parliamentarian did. If he can, he hadn't told me about it.

I just wanted to take this moment to express our gratitude. He's been a tremendous mentor—well, you can't call him a mentor—teacher of those of us who have been in this institution, who have tried to abide by the rules and go to the edge and not violate the rule, but knowing full well that we'll get absolutely nonpartisan advice and counsel from the Parliamentarian about how to do things when we don't know how to bring them to the floor, and about how to maintain the decorum and respect of every single Member in this House.

I thank him for his friendship and the role that he has played in making our institution a much, much better place to live and work.

Mr. LATOURETTE. I thank the gentleman from North Carolina for those remarks.

I'm glad that Mrs. BIGGERT talked about her experiences in the chair because I think all of us have memories



of that, going back a number of years, or a few years.

Just before I yield to my next colleague, I just want to say, in the very first speech I gave on the floor, I had brought in the American humorist, Dave Barry, to be my guest press secretary. Some folks in my party said I should have my head examined, and I'm sorry to report that isn't the first or the last time that that's happened to me over the last 18 years. But he wrote my speech, and it was all about the warning labels that need to be on stepladders. Mr. Johnson was the Parliamentarian, but John was his deputy at the time. And Dave Barry wrote in my speech: "Now, I'm not saying that all lawyers are scum-sucking toads." And we had to go to the Parliamentarian's Office to get it checked out to see if I could call lawyers "scum-sucking toads." I'm pleased to report to the House 18 years later that that's not a violation of the rules, so I intend to use it in future speeches.

It is now my pleasure to yield to someone who, during his championing of eliminating pork and earmarks, wore a path out between where he was seated and the Parliamentarian's desk, the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, it's a bittersweet honor to take the podium during this altogether appropriate recognition of House Parliamentarian John Sullivan upon his retirement. I recognize it as bittersweet because it's truly sad for me—and all of us—to see him go, but I'm sure he will enjoy the break from all of us.

I'm certain that tonight we'll hear—and we have already heard—his praises sung, particularly for his esteemed career that spanned some two-and-a-half decades. We saw him rise from counsel to assistant, to deputy, to finally the full-fledged Parliamentarian of this special institution.

I venture to say that few Members or offices outside the Office of the Rules Committee are able to sing his praises having had quite as much experience as my office has had with him. According to a cursory review, it would appear that during Mr. Sullivan's tenure heading up the left side of the Speaker's dais, I've brought to the floor somewhere in the neighborhood of a couple hundred amendments and privileged resolutions and have filed countless more with the Rules Committee. So it is with some experience that I say that both I and my staff have found the Office of the Parliamentarian, under Mr. Sullivan's leadership, to be fair and open, responsive, deliberative, and consistent. In fact, we've come to rely on it.

I would be remiss if I didn't mention that what I most admire about John is his irrepressible respect for the House of Representatives as an institution. Partisan politics, heated rhetoric, games of gotcha, finger-pointing and

-wagging are as common around here as, well, as common as Flake amendments.

Whether vetting germaneness issues with a provision or two, or being given a few pointers about surviving on a desert island somewhere, I have darkened the door of John's office more than a few times. I can tell you this: when you spend time with John Sullivan, it's easy for your thoughts to turn to the genius of the Founding Fathers, the intention of the Framers of the Constitution, and the beacon of freedom and democracy that the Congress represents. The veneration of this institution just rubs off when you spend any time with John Sullivan.

As James Madison noted in the *Federalist Papers*: "Stability in government is essential to national character." I can think of no higher compliment to pay John than to say his stable influence in this Chamber has been a credit to our national character.

As a Member of Congress, I thank him both for his service and for ensuring that the House will be more than ably served by those who assume the same responsibility. As a friend, I wish him the best in his next adventure. May it involve a deserted island somewhere in the South Pacific.

Mr. DINGELL. Mr. Speaker, I yield, through my good friend from Ohio, to the distinguished gentleman from Arizona.

Mr. PASTOR of Arizona. I thank the gentleman from Michigan and the gentleman from Ohio.

In the 110th Congress, as well as the 111th Congress, I had the opportunity to preside frequently. I was given that honor by Speaker PELOSI, and several of those years I clocked over 100 hours in the chair. So I had an opportunity to be with John and see John's work as the Parliamentarian, and I associate myself with all the remarks given by the previous speakers.

John is very knowledgeable and well read about the rules of the House. As my colleague, JEFF FLAKE, said, John was fair and John was respected—and is respected—by the leadership of the House on both sides, as well as his staff.

I have to tell you that his staff was always well prepared. They anticipated, especially in debates that we had controversial bills, they anticipated probably some of the areas that would hit some rocky roads, and they were always prepared.

□ 1920

His staff was prepared, and they were always kind and caring to the person who was up in the chair, and many times they assisted me to make sure that I read the paper right or gave the right response. So I have to tell you that, John, as Parliamentarian, did bring stability and respect; and I thank him for that.

During some of the debate that was pretty boring or during votes, we had a chance to talk to each other about

more social things. We talked about vacations he took, when his daughter Margaret was in town, restaurants, movies that we had seen. So during those times, I had the opportunity to know John as a person, and I found him in those conversations to be a caring husband to his wife, Nancy, because he talked about some of the trips they went on and some of the things they did over the weekends, and obviously he was a caring father to his three children.

So, for me, it was a great joy to be presiding over the debate here at the House and to know that the people who were going to be assisting me as Parliamentarians were well prepared and were fair and that they respected the House. More than that, I knew that I was dealing with a person, John V. Sullivan, who truly loves this House and who wanted to make sure that this House was able to function well and that there would be order.

JEFF FLAKE is correct: when JEFF sometimes would get up, John would say, Oh, no, here comes another Flake amendment. But we got through them. In each case, we did the best we could, and I know that his professionalism will always stand out.

I congratulate Tom for succeeding him. Yet, to my friend John Sullivan, I wish you the best. May you have a great retirement and continue to care for this House as you care for your family. Best wishes.

Mr. LATOURETTE. Mr. Speaker, I am a little bit surprised that the gentleman from Arizona (Mr. PASTOR), who was a great presiding officer during what we called on our side of the aisle the "troubled years," those of the Pelosi speakership, thinks that our debates are boring and that they're not riveting, seat-of-the-pants, edge-of-the-seat type things.

Another wonderful presiding officer on our side, whose stern countenance keeps the House in order, is the distinguished gentleman from Alabama (Mr. BONNER), and I would yield to him.

Mr. BONNER. I thank the gentleman, and I join in the comments that have already been made in expressing our deep gratitude to a young man who, by many standards, is still a young man and who obviously has a very bright future in front of him, but who has decided to embark on a new chapter in his already storied career.

Tonight, Democrat and Republican, North and South, the dean of Congress—someone who has been here longer than many of us have been alive—and others who are coming tonight who are expressing their gratitude to a man named John Sullivan are all here to really offer our heartfelt thanks for the example you have set, for the inspiration you have provided, and for the legacy that you are leaving behind.

Many a young lawyer in this country—and John is an attorney as has already been noted—when asked who inspired them to go into law, into that

profession, cited a fictional character, someone of whom I am proud. The author of "To Kill a Mocking Bird" is from my home in Monroeville, Alabama, and the story is of Atticus Finch and of the example that he set in a very difficult time in our Nation's history. One of my favorite lines out of "To Kill a Mocking Bird" that Atticus said is: The one thing that doesn't abide by majority rule is a person's conscience.

I believe that we can all agree that, while we have rules in this House and that no one more than the Parliamentarian helps us abide by those rules and to follow the spirit of them, John Sullivan has set the example of being an outstanding Parliamentarian by using the rule but also by using his heart and his conscience.

His rulings have sometimes been questioned, but never disputed in a real sense because his rulings and the rulings of the men and women who work with him have been seen as the gold standard by those of us who have been given the privilege of serving as Members of Congress. It truly is the Good Housekeeping Seal of Approval. If a ruling were appealed to the chair and if the chair turned to the Parliamentarian, as is often the case, we knew that the answer was as good as gold. He is truly the unbiased umpire who calls the balls "balls," the strikes "strikes," and who oftentimes has to tell us what we don't want to hear but what we need to know.

I am so honored to stand here tonight, along with my colleagues, to say thank you to someone who represents an army of professionals, of men and women over the years and throughout the decades whose names have never been on the ballot but who have made a lasting mark of love and support for this Institution. Some, like myself, have served on personal staffs. Others have served on committees, on committee staffs, and still a few others have had the privilege of wearing the title of Sergeant at Arms or Chaplain or, in this case, Parliamentarian.

He is a man whom we truly respect, someone who has truly made this place a better place. As Mr. WATT said earlier tonight, if the people back home who are watching this discussion tonight are hearing this debate, there is no debate. John Sullivan may not be a household name in some parts of America, but John Sullivan has made the House of Representatives a better place by his service and by his example.

Mr. LATOURETTE, I appreciate you and Mr. DINGELL for hosting this Special Order for 1 hour in order for all of us to have a chance to say thank you for a job well done.

May God continue to bless you, your wife, and your family.

Mr. DINGELL. With thanks to my good friend for his kind comments, I yield to the distinguished gentlewoman from Maryland through the distinguished gentleman from Ohio.

Ms. EDWARDS. Thank you.

Mr. Speaker, I rise to pay tribute to our Parliamentarian, our friend John Sullivan, for his service to this Nation and to the United States House of Representatives. His departure as Parliamentarian of the House comes as a sad note to many of us who have come to know John and who have come to depend on his wise counsel and expertise, as I have since I first entered this Chamber in 2008 and as many others have through the years. I am happy that John is leaving on his own terms, and I wish him every happiness as he moves on to the next phase of his life.

As has been said, John was born in Chicago, Illinois. He graduated from the Air Force Academy, received a law degree from the Indiana School of Law, and served honorably in the United States Air Force.

John has dedicated his life to the noble calling of public service. Whether as an officer in the Air Force, as counsel of the House Armed Services Committee, or as a member of the Parliamentarian's Office for the past quarter century, he has ably served this House for 27 years. Some of my colleagues say 28 years. Others say 25 years. It has been a long time. He served the people of this country, the Nation, for nearly 40 years.

The job of the House Parliamentarian is an exceedingly difficult one. We Members would, no doubt, be a rather unruly lot without our Parl. One must have a scholarly grasp of our Constitution and of the rules and legislative procedures governing this Institution, the integrity to be an honest and fair arbiter at all times, and possess the ability to work with both sides of the aisle at sometimes contentious moments. Throughout my time in the House, I've seen John Sullivan exhibit these qualities time and time again.

□ 1930

It's a testament as to why he is so well respected by both Republicans and Democrats, which speaks volumes as to how successfully he's handled this job.

I thoroughly enjoyed getting to know John, learning from him the importance of the rules and precedent in this institution that he so clearly loves and respects and how to serve fairly and effectively as Speaker pro tempore. Indeed, I tried mightily to imitate his calm and tempered demeanor. I spent quite a bit of time in the 111th Congress doing just that, and it helped me during one of my most proud moments as I presided under John's wisdom and guidance during passage of the Patient Protection and Affordable Care Act.

I remember well John's skilled mastery of our House rules when I presided during a blizzard, and our Parliamentarian called to our attention a never-before-used rule to enable us to remain in session without disrupting a lot of winter holiday plans.

I also learned that John likes to use sports analogies to describe his work almost as much as I do. He stressed to me and to other Members the impor-

tance that when serving as Speaker pro tempore, we become umpires and have to make rulings irrespective of partisan considerations.

As important as it is to celebrate and honor John's professionalism, we honor him also as a person. Since John is an avid basketball fan, I wonder if it's a mere coincidence or if there is some deeper meaning in his resignation taking effect this Saturday, March 31, the date of the Final Four of the 2012 NCAA men's college basketball tournament.

Though I'm not certain for whom John is cheering in this year's tournament, I do know that he has closely followed former Indiana and Texas Tech Coach Bobby Knight's career since Coach Knight was at West Point decades ago. They have met on numerous occasions, and John has a couple of basketballs signed by Coach Knight. So I wish him an uninterrupted time through the finals. And here, John, through the Speaker, I would just say that it's okay to choose sides.

As we say good-bye to John, I would also like to take this opportunity to welcome his respected successor Tom Wickham, the Deputy Parliamentarian, whom John has mentored. And I know Tom and the rest of their team will continue to guard the principles and rules that keep our democracy, our Republic, and this Chamber functioning with the level of dedication and integrity we witnessed from his predecessor.

My first 4 years in Congress, the House of Representatives, and our country are better off thanks to John Sullivan's public service. I wish you, John, your wife, Nancy Sands Sullivan, and your children, Michael, Margaret, and Matthew, continued success.

John Sullivan has made me a better Member, more willing to heed the gavel, more respectful of the Chair, more able to value this institution, as he does, and more confident as a Member of Congress.

I wish you much happiness. I know that your family has been a tremendous support to you and your service in this House and to our Nation. And to John Sullivan, you leave behind a legacy of service that others can and should aspire to, and I thank you.

Mr. LATOURETTE. I want to thank the gentlelady from Maryland for her remarks.

It is now my pleasure to yield to the gentleman from Texas (Mr. CONAWAY), another frequent presiding officer and accountant by training and trade prior to his service in the House of Representatives.

Mr. CONAWAY. I thank the gentleman for yielding, and I will certainly not attempt the eloquence of all the previous speakers. I just simply want to say thanks to John Sullivan. He is the only Parliamentarian that I've served under. His service as Parliamentarian began just before I got here in January of '05. So it's been my privilege to serve with John.

He has been even-handed throughout, from my perspective, serving both 4 years in the minority and now back in the majority. You can't tell from John's conduct which side you belong to because he really does call them even-handedly.

When you love the institution the way I do and the way other Members do, it's easy to recognize that love of institution. There is no one that I know of whose love for this institution is evidenced greater than what is demonstrated by John Sullivan. The precedents of the House, all of the things that are a part of this institution that make it one of the most valuable legacies of our Founding Fathers, John has upheld those traditions and those precedents in a very admirable way.

So, John, thank you for the many chapters of your life that you have spent in service to the House of Representatives. Thank you for that. And Godspeed in the many chapters of your life to follow this one. This institution is better for your long service. I'm a better Member of Congress for your service. Thank you, John.

Mr. DINGELL. Mr. Speaker, again, through the kindness of my good friend from Ohio, I yield to the distinguished gentleman from Massachusetts.

Mr. LYNCH. I thank the gentleman from Michigan and the gentleman from Ohio for the opportunity to praise our departing House Parliamentarian, John Sullivan, as he prepares to leave the House of Representatives after 27 years of distinguished service.

I represent the Ninth District of Massachusetts, where, in my new district, I have 727,514 people, most of them named Sullivan. So this seems like an Irish wake here, but it is certainly not.

As we all know, John has served in the Office of the House Parliamentarian for most of his distinguished career, and the last 8 years as House Parliamentarian. Serving as Parliamentarian in this body takes a fair amount of skill and an enormous amount of patience. It is, at times, challenging, and it is that skill and ability and patience that John provides us as Members that we rely on to also allow the House to function in an orderly manner. I think all the Members here today know that the advice we receive and guidance we receive from John Sullivan, as our Parliamentarian, is given in an analytical, unbiased, and nonpartisan manner.

Following in the footsteps of his mentor, former House Parliamentarian Charlie Johnson, John has served as the Parliamentarian in both Democratic and Republican Houses. And I think it is a tribute to John's integrity and trustworthiness that he was appointed by three Speakers of the House: Speaker Dennis Hastert, a Republican; Speaker NANCY PELOSI, a Democrat; and now Speaker JOHN BOEHNER, again a Republican.

In a time period when we can just about agree on nothing between us, we agree on the great service of John Sullivan. And he has received the support

and admiration from both sides of the aisle, and that is on display in the House tonight, as both Republican and Democratic Members pay tribute to a true man of the House. And while, as Members, we are allowed to publicly pay tribute to John, I know that John's fellow coworkers and former coworkers also wish him the best as he prepares for his next challenge.

John has not let us know what his future professional plans will be, but we, as a body, know it will not be golf. We have seen John golf, and John Sullivan and the sport of golf are nongermane. But we all do know that he is enormously dedicated and devoted to his wife, Nancy, and their three kids, Michael, Margaret, and Matthew. And we wish him the best as he leaves his professional family and begins to enjoy his true family.

In closing, Mr. Speaker, I want to personally thank John for his friendship and guidance to me during my time in Congress.

John, you know that on many occasions, the passions of this House have threatened to overtake proper decorum. I think it's been your integrity and your ability to reason and your reputation for nonpartisanship that has pulled us back from the brink on many occasions. You have certainly raised the bar in terms of dedicated service to this institution.

I thank you, and I wish you and your family Godspeed and good luck. God bless you. And thank you for your service to this House of Representatives.

Mr. LATOURETTE. I thank the gentleman from Massachusetts for his observations. And I would simply say that if you and Mr. DINGELL and Mr. VISCLOSKEY were in charge, we would get a lot more done around here.

With that, every sport needs to have an anchorman. If you want a tug-of-war, you've got to have an anchorman. If you are in baseball, you need to have a closer. And when trouble is a-brewing on the House floor, our side turns to our next speaker, the distinguished gentleman from Utah (Mr. BISHOP), and I would like to yield to him.

□ 1940

Mr. BISHOP of Utah. I think I thank the gentleman from Ohio for that introduction.

Since 1857, if I count correctly, John Sullivan is the 19th Parliamentarian we have had in the House of Representatives, even though the term actually wasn't used officially until 1927. But of those Parliamentarians in the 20th century, Lewis Deschler served for 46 years as Parliamentarian, and I believe his replacement, William Brown, served for 20 years.

So John, in all sincerity, serving only 8 years as the Parliamentarian here makes you a Parliamentarian slacker. I think a couple more years would be appropriate if you'd like to reconsider and stay with us.

But through those almost 8 years as the Parliamentarian, 20-plus years

working in that office, your ability to help the majority meet its goals while at the same time respecting the minority is not an easy task. But John Sullivan did do it with aplomb.

Former Senator Eugene McCarthy once said, The Senate has rules, but none of them over there care about it. In the House, the House rules are too complex. Don't learn them; just ask the Parliamentarian. I think for all of us, we do that.

I do know from my time in the chair, Parliamentarians do not like ad libbing. There is one time I simply turned to John and said, Why don't we just mike you, and I will move my lips. I still think that would be far more appropriate, but I don't think anyone in his office found that funny.

George Will once wrote that the only thing he remembers about his wedding day was the Cubs lost a doubleheader. I say that because John's grandfather pitched for the 1919 Chicago Black Sox, and John is still a fan of the White Sox and closely associated with that franchise. His replacement, Tom Wickham, who will come in, is a fan of the Cardinals. For a Cubs devotee like myself, there is just no hope in this world.

But I do want to know, even though both of you are on the wrong side of the baseball sphere, I want you to know that I thank you so very much, Mr. Sullivan, for your personal friendship. I also thank you for your two-plus decades of loyal service to this House. I also thank you for your lifetime of service and dedication to this country. We wish you well. We are a better place for having worked with you here.

Mr. DINGELL. Mr. Speaker, at this time I yield through my good friend from Ohio to my friend from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. DINGELL, I appreciate your yielding. I want to thank both you and my good friend from Ohio for reserving this time, and the Chair's indulgence.

Mr. Speaker, it is with fond admiration and profound respect that I take this time to recognize a very dear friend and one of Indiana's most distinguished citizens, the Honorable John Vincent Sullivan, whom I will always claim as a resident of the First Congressional District, having graduated from Munster High School in Munster, Indiana.

It has been mentioned that he has served this country in the United States Air Force for 20 years—9 years active service, 11 years in the Reserve, and retiring with the designation of lieutenant colonel.

What has not been mentioned, I don't think, this evening is that for some inexplicable reason John also wanted to jump out of airplanes, and became a qualified paratrooper. Ultimately, he found himself at Indiana University Law School, as has been mentioned by Mrs. BIGGERT, but which was qualified by the gentlewoman from Maryland, who indicated that in fact I don't think that John is so much an IU fan as he is a rabid Bobby Knight fan.

But I do think that the mark of the man is the recognition of his legal acumen, his grace under pressure, and his scrupulous fairness when a Democratic Speaker, Tip O'Neill, requested that he join the Parliamentarian's office in 1987. And that 17 years later, his leadership skills and his ability to make nimble and wise decisions in very stressful and momentous situations was recognized by Republican Speaker Dennis Hastert, who asked that he become Parliamentarian of the House.

Mr. Speaker, John comes from a strong family of nine children, and his siblings love him deeply and know him better than any of us. I am happy to share some of their thoughts with my colleagues.

Margaret mentions:

As a teacher, I know about the incredible power of a good model. John has provided the best model of a good brother, husband, public servant, son, and man throughout my life, and I adore him.

His sister Anne said:

As a little sister, I chose John as my role model for integrity. Later, I chose him as my role model for word choice, too.

Patty remarks that:

My heart is so full, I do not know where to start. You know how I feel about my magnificent big brother.

Gary, for himself and for Mary Fran, John's sister whom he has lost, said:

I speak for Mary Fran and myself in sending love and thanks to John for his service to our country.

His brother Matt said:

I would like to add my voice to my siblings' in expressing my love and appreciation of our brother John.

Michael noted:

John and I played together, ate together, fought together, got in trouble together, slept together, walked to school together, and talked to each other about everything. That is really where I learned all the important things about life. That is where I learned what it took to be a good man. John was my big brother, but he has always been my confidant and mentor. He is my number one phone call when I need advice. He has the discipline and fairness that I lack. So it is good to have him to lean on. I love you, John, and I look forward to enjoying a piece of your retirement with you.

Jerry observed that:

John went to take his physical qualification test for the Air Force Academy and came back and told Dad he didn't seem to do as well as he had expected. He did plenty well enough, passed, and graduated the Academy. Turned out there was a reason for his feeling a bit less than full strength during the test. He had a case of mononucleosis that had not yet been diagnosed. He plowed through the tough test in typical fashion for John. Only he, as his own toughest critic, got any sense that something was not quite right. The rest of the world did nothing but approve of his skill, dedication, and durability, which have always added up to make him the best sort of guy.

His brother Jim noted—and I would like to state for the record that John looks a lot older than Jim:

I am 4 years older than John but have looked up to him since I can remember. He is simply the finest man I know. He is as tough

as they come, and he is as gentle as a lamb with the innocent and those less strong than he. He is fearless, and I have seen him risk much to speak for the right, regardless of the risk to himself. I have seen him operate, in the right, with all the advantages, and yet let the vanquished foe up and off the hook, time and again. He embodies the idea of following the harder right rather than the easier wrong, and of being humble and gentle in victory, stern and unyielding in defeat. His goodness and strength are clear from the moment you meet him.

Mr. Speaker, I would add that I will miss the opportunity that John provided every time I had young people in the gallery since 1987 for the opportunity to point him out with pride as being from "back home," and emphasizing that he was someone they could emulate; that by studying hard, by using the talents God had given them, they, too, could achieve a position of great responsibility and great opportunity to be of service to others and to their country.

We will all miss you, John—a man who has dedicated and devoted his life to serving his country. This institution and each of us have become more effective and judicious stewards of the public trust because of John Sullivan's example, his wisdom, and yes, his good humor.

So I would conclude by saying, Mr. Speaker, that despite all of the disparaging remarks John has made over these many years about the quality of the football team in South Bend, Indiana, called Notre Dame, I do sincerely wish him, his wife Nancy, and their family every blessing and happiness life has to offer.

□ 1950

Mr. LATOURETTE. I thank the gentleman from Indiana.

Mr. DINGELL. We have no further requests for time, but I would like to say a couple of words.

Mr. LATOURETTE. As do I. The gentleman is the dean of the House. You go first.

Mr. DINGELL. This, I will tell the gentleman, is his time. He has led in the matter. I am prepared to accede to his leadership.

Mr. LATOURETTE. I think we need to hear from you, Mr. DINGELL.

Mr. DINGELL. I begin then by thanking my good friend from Ohio for his leadership in this matter and express to him my great personal respect and high esteem. I am particularly pleased that we have been able to have these brief remarks from his friends, colleagues, and coworkers about our good friend, Mr. Sullivan, our coworker and Parliamentarian of the House. I have known all the Parliamentarians during their sitting back to Mr. Deschler, Mr. Brown, Mr. Charlie Johnson and now, of course, our good friend, Mr. Sullivan. And before them, I had the privilege of knowing the distinguished gentleman from Missouri, a Member of this body and also a prior Parliamentarian of this body.

I'm sure that this has been an evening that has been somewhat pain-

ful to our friend, the Parliamentarian, because he has heard all kinds of nice things about him at a time when that is rather an unaccustomed practice. But I would like to tell him how proud we are that we have had such dedicated public servants to work for and on behalf of the House of Representatives and on behalf of all of us.

As he retires at the end of this week as the Parliamentarian of the House, I hope he knows that his work would be approved, and enthusiastically so, by all the gentlemen that I have mentioned earlier. I would also hope that he understands that he has seen the greatest respect and affection from his colleagues here in the House for his fairness, impartiality, for his decency, for his integrity, and for the fair and nonpartisan—he would note I did not say "bipartisan," I said "nonpartisan"—way he has conducted his responsibilities as the Parliamentarian of the House.

Each and every one of us could count on Mr. Sullivan to take our calls on even the smallest questions about motions and procedures. And all of us, without any question or any doubt, knew that the advice we were getting was completely honest. We also knew that he would help us work out our problems so that we could be functioning and effective Members of this body. And we also knew that he would take a firm stand for the protection of the traditions and the institutional values of this body and would ensure that the rules were always interpreted properly.

He was a true institutionalist. He loved and revered the House of Representatives, and he knew something that was very important that many of us had not yet learned, and that is that this body, as an institution, is more important to all of us and to this Nation than is any single issue or aggregation or congregation of issues or any individual or any group of individuals, because without the trust, the affection, and the respect of the American people, this institution cannot function, cannot lead, cannot govern, and cannot carry out the trusts that we have been given back to the days of the Founders of the country.

I want Mr. Sullivan to know that he will always be missed; but we know that he has left us in capable hands because he has built a fine office, and Tom Wickham, like Mr. Sullivan, has already proven to be dependable, discreet and well versed in the rules and procedures of the House; and we know that he will serve the House with the same dedication, decency, integrity and honesty that his predecessor, Mr. Sullivan, has characterized his work with.

All of us are going to miss him. He has been a distinguished public servant in the highest sense of the term; and all of us will wish him well as he goes off to do his business, whatever it may be, and we will hope that he has tremendous success, long life, great happiness, and a chance to come back here

from time to time to see his old friends and to join in talking about the memories that we share together, the great things that we've done, the small things that we've done, and all the wonderful stories that we have to tell and share about the privilege of serving in this, the greatest legislative body in the world.

I am going to express to him the wish that he will have happiness in his retirement. I know that that wish is shared and honored by all of his colleagues and all of our colleagues, and I know that the very fine group of Parliamentarians who are here to show their appreciation to him for his wonderful leadership share in the thoughts that you have heard.

This has been an extraordinary bipartisan expression of the affection and respect that we have for our Parliamentarian, which he has earned. We have not praised him; we have simply told the truth about him. And that is something that he can be proud of that we are able to do and willing to do. I would note that there are some who might live in mortal and desperate fear of having others telling the truth about them.

So, in any event, we express to him our thanks and our admiration, and also that of the entire membership of the House of Representatives who have been honored by your service, your guidance, your friendship, your dignity, and your great appreciation of this body and the responsibilities we have.

Now I thank my good friend from Ohio for being so generous and for his leadership in this matter.

Mr. LATOURETTE. Mr. Speaker, I want to thank you for your indulgence, and I also want to thank the dean of the House for organizing this Special Order.

The House of Representatives is a building. It's a nice place, but it's really the people. And JOHN DINGELL is the House of Representatives, as his father was before him. PETE VISCLOSKY is the House of Representatives. When I got here, Charlie Johnson was the Parliamentarian, he was the House of Representatives, and John Sullivan has replaced him; and he is, in fact, an institution with the House. I don't want to break the mood here, but in my opinion, the jury is still out on Wickham. We'll see how he does, but I think things have the opportunity to be okay.

I just want to tell two quick stories that for me told the measure of the man. The first was a number of years ago when we had a Member who was going to be expelled from the House of Representatives. It was only the third time in modern history that that occurred. The last one was in the 1970s. Nobody had really had a chance to study the precedents and things of that nature, and I was kind of surprised that that process only took an hour of floor time—an hour to basically end somebody's political life.

So I went to John, and he gave me advice, and then he told me to file something to postpone it to a date certain, which I had never heard of, and I bet most Members never heard of, but that gave Members of the House an additional hour to discuss the case. And I think at the end of that, because of John's stewardship and knowledge of the rules, the House, as a body, felt better at the conclusion of that 2-hour debate.

It happened to be a Member of Ohio; and we are celebrating in Ohio that Ohio State is in the Final Four; our guy, JOHN BOEHNER, is the Speaker of the House; and it also marks the first time in 8 years we haven't had a member of our delegation in prison. So we're pretty pleased about that as well. But I will tell you that it was John's counsel that got us through that.

The second one was more recently. A couple of years ago, August, on our side, we call it the day of the stolen vote. I think the distinguished minority whip, Mr. HOYER, called it a procedural hiccup. But regardless, if you were here that night, it was wild. People were screaming, yelling, and crying.

And I had the opportunity to watch the videotape about 300 times because we then had a special committee to look into it. And always in all of the frames, there was one rock like the Rock of Gibraltar standing there above the fray saying, We need to be calm. It reminded me a little bit—I don't know if you saw Kevin Bacon in Animal House, where he says, stay calm, stay calm, and the crowd runs him over, and he's nothing but a uniform in the end. That's what was going on around John.

The place could have devolved into a very serious problem. It looked messy, and it was messy, but the measure of John's stewardship of the rules of the House—I would say that there was pressure on him and the rest of the Parliamentarian staff to do what one side or the other wanted him to do or for his opinion to come out one way or the other. The Republicans, we wanted him to say, hey, they stole the vote. It was 215-213, the gavel came down, you hoodwinked us. And from the Democratic side, the pressure was, these things happen, stuff happens; that no rules were broken, no harm, no foul.

□ 2000

John, as he has throughout his service, both as Deputy and now as Parliamentarian, didn't pick sides. He called the game right down the line. He told us what he thought based upon the rules, the precedents of the House. And I will tell you you knew it was a good decision, because neither of us liked it. The Republicans didn't like what he had to say and the Democrats didn't like what he had to say. That to me is the mark of a fair ruling, because he called it as he saw it.

There's one last thing that I want to say about his service. I got here in 1995, and 1995 was the first time the Repub-

licans were in the majority for 40 years in the House of Representatives.

I remember going to my first conference meeting and all these guys—Charlie Johnson was the Parliamentarian at the time. Speakers would get up and say to Mr. Gingrich: We're not going to keep the Democrats' Parliamentarian, are we? I didn't know what the heck they were talking about. Of course, Mr. Johnson, in fact, stayed. I imagine there were some discussions about that in the Democratic Caucus when things changed in 2007, and I imagine I know there were discussions about that when it changed again in 2011.

The fact of the matter is John is the embodiment of the Parliamentarian's Office. He's not the Democratic Parliamentarian. He's not the Republican Parliamentarian. He's the Parliamentarian of the House of Representatives, and that's what makes his service unique and unique to all of our Parliamentarians.

In closing, I don't know what John is going to do; but, Mr. Speaker, if John writes a book and I have to pay \$147 to get it on Amazon.com, I'm really going to be honked off.

I hope, John, if you do write your memoirs or some tome with the Speaker of the House over in Great Britain that you let it come out in paperback so that all of us can enjoy it. And, please, make it a good read and not so dry.

To John and your family, I really appreciate your friendship and your service. You have gotten me out of a lot of messes and not into too many. For your friendship and for your guidance in this House over your career, I'm very grateful. And I thank you and I wish you well in whatever you decide to do.

Mr. Speaker, thank you for your patience, and I would yield back the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, there is no greater honor or privilege than to serve the American people. As Members of Congress, every day we work to remain worthy of the tremendous trust bestowed upon us by our constituents. While the spotlight is often focused on us, there are people who serve this great body and the American people without fanfare and recognition. In many ways, they are the backbone of this institution—without them, we could not do the People's work. One of the finest examples of this selfless commitment and tireless service can be found in our House Parliamentarian John V. Sullivan.

Following his graduation from the United States Air Force Academy and the Indiana University School of Law, John served 10 years on active military duty. His service in the House began almost 28 years ago when he became Counsel for the Committee on Armed Services. In 1987, he began what would become a distinguished career in the Office of the Parliamentarian, serving as an Assistant Parliamentarian and Deputy Parliamentarian. In 2004, he was appointed to the position of Parliamentarian of the House.

The Office of the Parliamentarian is commonly known as the nonpartisan umpire for

the House. Continuing this tradition throughout his tenure, John has been a shining example of integrity and fairness. John has served under six successive Speakers, both Democratic and Republican. He has truly been an innovator in the House—being the first to incorporate computer technology into the Office of the Parliamentarian. His ability to offer procedural guidance on the workings of this Chamber has earned him the respect and admiration of Members across both sides of the aisle. During my tenure as Chair of the House Rules Committee, John and his Office were invaluable resources to the Rules Committee and me.

John Sullivan has served the House with distinction during some of the most important debates of recent history. His unparalleled knowledge of parliamentary procedure helped guide us through the debates on the Affordable Care Act which ensured quality, affordable healthcare for millions of Americans, the American Recovery and Reinvestment Act which is helping to create new jobs and encourage investment in our economy, and the Emergency Stabilization Act which has been credited for preventing the collapse of our financial system.

While I join the chorus of voices in offering my best wishes to John on his well deserved retirement from the House, I will certainly miss his warmth, his sense of humor and his humility in this Chamber. Those are attributes that are far too rare these days.

Fortunately, John is leaving the Parliamentarian position in the able hands of Tom Wickham, who I am confident will do a wonderful job. However, I am sure even Tom will agree that he has some rather large shoes to fill. On behalf of a grateful chamber, I'd like to wish John the best of luck, as he starts the latest chapter of his distinguished life.

Ms. MATSUI. Mr. Speaker, I rise today to recognize the extraordinary 25 year career of retiring Parliamentarian of the House of Representatives, John V. Sullivan.

A graduate of the United States Air Force Academy and former Air Force Judge Advocate, John exemplifies public service. He began his career in the House of Representatives by serving as counsel to the Committee on Armed Services, and soon transitioned to the Office of the Parliamentarian. John took on the role of Parliamentarian in 2004, after seventeen years in the Office of the Parliamentarian.

Serving as only the fourth Parliamentarian in modern history, John has consistently conducted himself in the most professional, non-partisan manner. He has been a constant through multiple Congresses, and under Speakers of both parties. John's knowledge of House procedure and traditions is unparalleled, and he was a model of decorum and even temperament. His service will be missed.

Mr. Speaker, I have enjoyed calling John a colleague throughout my time in the House, and ask my colleagues to join me in wishing him all the best in his retirement.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to honor John Sullivan the House Parliamentarian, who is retiring after serving 28 years. John has dedicated his career to public service. Prior to arriving on Capitol Hill, John served our nation for 10 years in the Air Force.

I have known John for nearly two decades. In that time, I have often been impressed by

his in-depth knowledge of House Floor procedure and the legislative process.

John has a calm, knowledgeable, and warm demeanor. It is no small feat to be well-liked by Members of both parties. Debate on the House Floor can be contentious at times; however, it is a positive reflection on John's expertise that he been able to consistently offer his assistance to Members in a manner that balances the rights of Members from both sides of the aisle. John, I hope you enjoy your retirement.

#### WE NEED TO TELL THE TRUTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Arizona (Mr. SCHWEIKERT) for 30 minutes.

Mr. SCHWEIKERT. Mr. Speaker, this is something we try to do out of my office every few months, where we try to update a number of the budget numbers we're seeing coming from particularly the President and try to put them in some perspective. I thought this would be one of those opportunities—because we're about to work on the budget for the rest of this week—to stand here and help everyone understand some really scary things that are out there in the numbers and some things we've been talking about for the last year and the fact that they're getting worse.

Mr. Speaker, you also, being my friend from Arizona, you've actually heard me tell this story.

A year ago, we stood here and did this presentation. When I got back to the office, my phone was ringing. I reached down and picked it up, and it was a gentleman from my district who was nice enough but kept telling me over and over that he didn't believe me, that the numbers didn't feel right. After about a half an hour of discussing it with him, I probably was a little too harsh. I said: I don't know where the feelings key is on my calculator. I think at that point he hung up on me.

Look, the numbers are real. It doesn't feel warm and fuzzy, but it's real.

I'm actually going to break one of the congressional rules in communication where we're often supposed to talk at a 30,000-foot level. I'm going to drive down into some of the weeds here, but it's important. This is the future of our country. This is our destiny, unless we make some substantial changes.

The first slide up here—and all of these are going to be up on our Web site within the next week, the congressional Web site—is just trying to demonstrate how unrealistic many of these numbers coming from the White House are.

The year 2008 was the peak of revenues into the Federal Government. We'll give you an idea. The President is saying in 5 years that revenues are going to be up 50 percent from that peak in 2008. So we're going to have this dramatic rise in revenues over the next 5 years, and that's where their deficit projections are coming from.

Guess what? On the slides I'm going to show you, we still use the President's numbers. What I want you to understand is that they are based on, I think, substantial fantasy when you start to understand the White House's use of what they are predicting as revenues and GDP growth.

As we go through these—and I'm going to throw a lot of slides here. The next two slides are the easiest to understand and hopefully tell the greatest part of the story.

This is 2011. Sixty-three percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. We'll call those the mandatory spending. Many people call them the entitlements.

This year, 37 percent of our spending is what we'll call discretionary, military, and the line of alphabet agencies that we all think of. It's foreign aid, veterans, all discretionary over here. It's 37 percent of the spending. This is this year. Do you see, 63, 37? What happens a year from now?

In 2017, basically 5 budget years from now, you notice a little difference. We went from 63 percent to 75 percent which is now in Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits. Five years from now, 75 percent of our budget is in mandatory entitlement spending, and the discretionary keeps getting smaller and smaller and smaller in real dollars.

I'm going to show you some slides in a little bit that are going to demonstrate that even the military goes down in real dollars. No more of this discussion of, well, you guys are just slowing down the growth. No, it actually goes down in real dollars. This is our future.

Understand, the mandatory and entitlement side is growing so fast that in about 10 or 11 years, if you held everything even, it would consume every dollar of the budget. There's no more military; there's no more discretionary. Everything is Medicare, Medicaid, Social Security, interest on the debt, and veterans benefits.

This is our future. We need to tell the truth.

Look, Washington, D.C., has had a bad habit of avoiding a lot of these hard decisions that are ahead of us, and it's almost like they forgot there were going to be baby boomers. We knew people were going to turn 65 for how many years? Sixty-five years.

We're now into year one of the baby boomers retiring at the end of the next 17 years. At the end of the 18-year cycle of baby boomers, about 36 percent, 37 percent of our population will be on Social Security. You have to understand that's about 76, 78 million of our friends and neighbors who will be over 65.

This should have been decades of planning for that retirement, for that baby boom, and Washington, D.C., did not do it. Now Members of this House—and I'm one of the freshmen here; I've been here 15 months—need to step up

and tell the truth to the American people that this is our future. If we don't deal with it today, we're going to deal with devastating consequences a couple of years from now.

In the next couple of slides, I'm going to try to demonstrate the numbers and how they break down.

□ 2010

And I'm sorry. I know I'm throwing lots of slides, but one more time, this is important. This is our future.

This is 2011. Everything you see in the blue is the mandatory spending we were just talking about. So you get some sort of sense of what it is. Here's Social Security. Here's what we'll call the welfare programs. Medicare, Medicaid, interest on the debt.

We are one of the luckiest people to ever live, when you think about this year. We expect to spend only about \$229 billion on interest on our debt. Well, understand, our debt now is what, \$15.5 trillion. About \$11 trillion plus of that is what we call publicly-held debt.

This is important to understand. A big chunk of our debt we borrow internally. We reach into Social Security, into the Medicare part A trust fund, and other places. But the \$11 trillion plus that we have to go out on open markets and sell, that's our great risk because we are beholden to what interest rate the market's willing to buy our debt for.

This year, with these incredibly low interest rates, I mean, what, a 10-year bond today is what, 2.25? We're only going to spend about \$229 billion this year is our projection for that \$11 trillion of publicly-held debt.

But what happens when we go to normal interest rates? And at the same time, just like this last year where we borrowed what, another \$1.4 trillion, you've got to understand, here it becomes one of our Achilles' heels.

We go from, in 2011, that \$229 billion in interest, to in 2017, we expect interest to be \$565 billion. Understand, that's basically, in 2017, what defense is. Our interest on the debt will equal what defense is.

And as we walk through these numbers, please understand, it's Medicare, Medicaid, Social Security, interest on the debt, veterans benefits that are exploding because of the demographic issues. It's math. And this is our future.

And you'll notice, as we were showing in the previous chart, discretionary now is down to 25 percent of all spending; 75 percent is those mandatory—what we like to call entitlements. And this is our future.

As I was just trying to share, and this is important because I got this question at a town hall this last Saturday. Well, when you say that defense is going to be taking all sorts of cuts, you mean just cuts in the growth.

No, I mean in real dollars. We expect, the way the budgets are being laid out right now, the way the President's numbers are, by 2017, actual, real dol-

lars, not adjusted for inflation, not the projection or a portion of growth, real dollars are going to be substantially less than they are today. Our projected 2012 budget about \$709 billion. In 2017, \$582 billion.

What are the Federal Government's constitutional obligations? Protection of the country? Defense? And you'll notice, in real dollars, it's going down. So what will even be the purchasing power of that money 5 years from now?

And you'll start to understand the reality of what's going on. And please understand, it's being driven, why? Because the mandatory spending, the entitlements are continuing to explode, so everything else in government will shrink and be crushed.

We thought we would try to find even a little more detail. These are brand new slides for us, and these will all be up on our Web site hopefully some time this week, and sort of helping put percentages on the numbers.

You saw the big graph of, hey, in 5 years, 75 percent of all of our spending is Medicare, Medicaid, Social Security, interest on the debt, veterans benefits. But we thought we'd show—here are the current percentages so you can see what's going on there.

This is 2011. Defense is 18.8. In 5 years defense will be 12.4 percent of the budget.

Department of Health and Human Services, which is substantially Medicare and Medicaid, this year is 24.7 percent of the spending. In 5 years, it's 26.8.

But where else is the explosion?

Department of Treasury, which is substantially debt, paying interest on our debt, will go from 14.9 percent of the total budget in 5 years to 20.5 percent.

What I'm trying to demonstrate here is we're being consumed by our own interest, having to finance our own debt. We're being consumed by the basic demographics of our Nation because Washington, D.C., did not tell us the truth, did not set aside the resources that were absolutely necessary to deal with the baby boomer population, and we're going to have 76 million of our brothers and sisters in this baby boom cycle over this 18 years. Remember, when it's done, it's 36, 37 percent of the population on Social Security.

I'm fearful, unless we step up and make the policy changes that are absolutely necessary—and thank heaven for PAUL RYAN and many of the hard-working Budget members here in the House that are laying out the truth. They're laying out what is absolutely necessary to keep this Republic operating and to tell the truth about the budget and the numbers.

So one of the things we got this last weekend back home, I had a couple come up to me pointing their finger saying, well, if you would just do things like the Buffett Rule, if you would do things like that, you would solve the problems.

One of the things we love to do in our office is, how do you make big numbers

understandable, because, let's face it, when I stand here and talk about \$15.5 trillion in debt, or talk about this, talk about that, it often is overwhelming numberwise. So we came up with this idea of a clock, and we've done this for a number of different things.

Now, here's the good news and the bad news. We're borrowing a lot less money right now than we were borrowing a year ago. That's the good news. The bad news is we're still borrowing \$3.5 billion every single day, and we project for the next 365 days \$3.5 billion every single day.

But when you hear the President, when you hear many of my friends on the left say, well, if we just had something like the Buffett Rule, where these rich people have to pay all these extra taxes because they're escaping, what does it actually pay? What does it actually mean?

If you use the President's own model and don't pretend that there is going to be certain tax avoidance and smart lawyers finding ways around it, and that it doesn't slow down the economy and doesn't change people's behaviors and all the other things that happen when you raise a tax and live in math fantasy, so every dime comes into the Federal Government, what does it actually buy us?

Well, we did the math on it, and we figured out it would pay for 3 minutes and 30 seconds of that daily borrowing. So when you see Members walk up to these microphones and talk about things like well, if we just had the Buffett Rule, we would be fine, they're not telling you the truth.

Or it's back to that story before—they found a feelings button on their calculator, and it makes them feel better, but it's not real math.

The entire Buffett Rule would pay for 3 minutes and 30 seconds of borrowing a day, at the current rate of borrowing, which is \$3.5 billion a day.

Mr. Speaker, I know this is a lot of math. I know these are a lot of numbers to throw out, but it's our future. When you see what's happened in Europe, when you realize people in Greece and so many other countries lived in a fantasy, and a lot of it was perpetuated by their own governments not telling them the truth—well, I'm telling you the truth, and I'm using the President's own numbers to get there. It's why the decisions that are going to be made here this week, as we start to set out our budget documents, it's why we desperately need the Senate to step up and tell the truth to the American people, that if you want to save this Republic, we've got to deal with the reality of our math, because our math is the single most dangerous thing to this Republic right now.

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

#### ADJOURNMENT

Mr. SCHWEIKERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, March 28, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5427. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Wooden Handicrafts From China [Docket No.: APHIS-2007-0117] (RIN: 0597-AC90) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5428. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule — Community Forest and Open Space Conservation Program (RIN: 0596-AC84) received March 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5429. A letter from the Director of Operational Test and Evaluation, Department of Defense, transmitting FY 2011 Annual Report, pursuant to 10 U.S.C. 114; to the Committee on Armed Services.

5430. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket ID: FEMA-2012-0003] [Internal Agency Docket No. FEMA-B-1244] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5431. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-B-8221] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5432. A letter from the Legal Counsel, Equal Employment Opportunity Commission, transmitting the Commission's final rule — Disparate Impact and Reasonable Factors Other Than Age Under the Age Discrimination in Employment Act (RIN: 3046-AA76) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5433. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Test Procedures for Residential Clothes Washers [Docket No.: EERE-2010-BT-TP-0021] (RIN: 1904-AC08) received March 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5434. A letter from the Secretary, Department of Health and Human Services, transmitting fiscal year 2011 Performance Report to Congress for the Animal Generic Drug User Fee Act; to the Committee on Energy and Commerce.

5435. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Establishment, Maintenance, and Availability of Records: Amendment to Record Availability Requirements [Docket No.: FDA-2002-N-0153] (Formerly Docket No.: 2002N-0277) (RIN: 0910-AC73) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5436. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Approval Tests and Standards for Closed-Circuit Escape Respirators [Docket: NIOSH-005] (RIN: 0920-AA10) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5437. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Identification of Additional Qualifying Renewable Fuel Pathways Under the Renewable Fuel Standard Program [EPA-HQ-OAR-2011-0542; FRL-9642-3] (RIN: 2060-AR07) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5438. A letter from the Deputy Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Lifeline and Link Up Reform and Modernization; Lifeline and Link Up; Federal-State Joint Board on Universal Service; Advancing Broadband Availability Through Digital Literacy Training [WC Docket No.: 11-42; WC Docket No.: 03-109; CC Docket No.: 96-45; WC Docket No.: 12-23] received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5439. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — List of Approved Spent Fuel Storage Casks: HI-STORM 100, Revision 8 [NRC-2011-0221] (RIN: 3150-AJ05) received February 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5440. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 2-12 informing of an intent to sign the Memorandum of Understanding with Canada; to the Committee on Foreign Affairs.

5441. A letter from the Acting Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5442. A letter from the Director, Department of the Interior, transmitting Report to Congress on the Recovery on Threatened and Endangered Species for Fiscal Years 2009-2010; to the Committee on Natural Resources.

5443. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Comprehensive Ecosystem-Based Amendment 2 for the South Atlantic Region; Correction [Docket No.: 110831547-1736-02] (RIN: 0648-BB26) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5444. A letter from the Acting Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chinook Salmon Bycatch Management in the Bering Sea Pollock Fishery; Economic Data Collection [Docket No.: 110207103-2041-02] (RIN: 0648-BA80) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5445. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Western Regulatory Area of the Gulf of Alaska [Docket No.: 101126522-0640-2] (RIN: 0648-XA988) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5446. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Gulf of Maine Winter Flounder Catch Limit Revisions [Docket No.: 120131078-2207-01] (RIN: 0648-XA913) received March 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5447. A letter from the Attorney General, Office of the Attorney General, transmitting the Office's decision not to appeal the decision of the district court in the case of the United States v. William L. Cassidy, No. 8:11-91 (D. Md. Dec. 15, 2011); to the Committee on the Judiciary.

5448. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — International Anti-Fouling System Certificate [Docket No.: USCG-2011-0745] (RIN: 1625-AB79) received March 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5449. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Mooney Aviation Company, Inc. (Mooney) Airplanes [Docket No.: FAA-2012-0182; Directorate Identifier 2012-CE-005-AD; Amendment 39-16958; AD 2012-03-52] (RIN: 2120-AA64) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5450. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class D and Class E Airspace; Hawthorne, CA [Docket No.: FAA-2011-0610; Airspace Docket No. 11-AWP-10] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5451. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Women-Owned Small Business Federal Contract Program (RIN: 3245-AG34) received February 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

5452. A letter from the Director of Regulation Policy and Management Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Exempting In-Home Video Telehealth from Copayments (RIN: 2900-AO26) received March 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5453. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report entitled, "Evaluation of the Mentoring Children of Prisoners Program"; to the Committee on Ways and Means.

5454. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Regarding the Repeal of Section 163(f)(2)(B) [Notice 2012-20] received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5455. A letter from the Chief, Publications and Regulations Branch, Internal Revenue



Service, transmitting the Service's final rule — Automatic Consent to change to the methods of accounting provided in the tangible property temporary regulations (T.D. 9564) (Rev. Procs. 2012-19 & 2012-20) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5456. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier Safeguards [CMS-6036-F2] (RIN: 0938-AQ57) received March 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

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. WOODALL: Committee on Rules. House Resolution 597. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 112) establishing the budget for the United States Government for fiscal year 2013 and setting forth appropriate budgetary levels for fiscal years 2014 through 2022, and providing for consideration of motions to suspend the rules (Rept. 112-423). 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 Mrs. BONO MACK (for herself and Mrs. BLACKBURN):

H.R. 4263. A bill to improve information security, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committees on Oversight and Government Reform, the Judiciary, Armed Services, and Intelligence (Permanent Select), 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. BIGGERT:

H.R. 4264. A bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. CRAWFORD:

H.R. 4265. A bill to amend the Internal Revenue Code of 1986 to impose a 5 percent tax on so much of adjusted gross income of any individual as exceeds \$1,000,000, and to provide incentive for Congress to pass a balanced budget amendment, or spending limit amendment, to the Constitution; to the Committee on Ways and Means.

By Mr. SCHIFF:

H.R. 4266. A bill to amend the Safe Drinking Water Act to protect the health of vulnerable individuals, including pregnant women, infants, and children, by requiring a health advisory and drinking water standard for hexavalent chromium; to the Committee on Energy and Commerce.

By Mr. MATHESON:

H.R. 4267. A bill to designate certain National Forest System land in the Uinta-Wasatch-Cache National Forest in Salt Lake County, Utah, as wilderness, to facilitate a land exchange involving certain land in such

National Forest, and for other purposes; to the Committee on Natural Resources.

By Mr. AMASH (for himself and Mr. FLAKE):

H.R. 4268. A bill to abolish the Export-Import Bank of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. GRIFFITH of Virginia (for himself, Mr. OWENS, and Mr. POE of Texas):

H.R. 4269. A bill to amend chapter 44 of title 18, United States Code, to more comprehensively address the interstate transportation of firearms or ammunition; to the Committee on the Judiciary.

By Ms. HOCHUL (for herself, Mr. GRIFFITH of Virginia, and Mrs. NOEM):

H.R. 4270. A bill to amend title 39, United States Code, to suspend bonus authority with respect to the Postmaster General and certain other postal officials in any year in which a postal retail facility or mail processing facility is closed, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. MOORE (for herself, Ms. DeGETTE, Ms. NORTON, Ms. BALDWIN, Ms. LORETTA SANCHEZ of California, Ms. MCCOLLUM, Ms. HAHN, Ms. HIRONO, Ms. BERKLEY, Mrs. CAPPS, Ms. SLAUGHTER, Ms. EDWARDS, Ms. PINGREE of Maine, Mrs. LOWEY, Ms. WASSERMAN SCHULTZ, Ms. WOOLSEY, Ms. FUDGE, and Ms. MATSUI):

H.R. 4271. A bill to reauthorize the Violence Against Women Act of 1994; to the Committee on the Judiciary, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Financial Services, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER:

H.R. 4272. A bill to authorize the Secretary of Transportation to make capital grants for certain freight rail economic development projects; to the Committee on Transportation and Infrastructure.

By Mr. WEBSTER:

H. Res. 596. A resolution requesting return of official papers on H.R. 5; considered and agreed to.

By Mr. DOYLE (for himself and Mr. GINGREY of Georgia):

H. Res. 598. A resolution supporting the designation of National Robotics Week as an annual event; to the Committee on Science, Space, and Technology, 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 Ms. WATERS:

H. Res. 599. A resolution honoring Byung Wook Yoon, Ph.D for his outstanding service on behalf of the Korean American community; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BONO MACK:

H.R. 4263. Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. BIGGERT:

H.R. 4264. Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 1 (relating to the general welfare of the United States); and Article I, section 8, clause 3 (relating to the power to regulate interstate commerce).

By Mr. CRAWFORD:

H.R. 4265. Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the enumerated powers listed in The 16th Article of Amendment to the Constitution.

By Mr. SCHIFF:

H.R. 4266. Congress has the power to enact this legislation pursuant to the following:

The Protecting Pregnant Women and Children From Hexavalent Chromium Act is constitutional under Article I, Section 8, Clause 18, the Necessary and Proper Clause. The bill constitutional authorized under the under the Necessary and Proper Clause, which supports the expansion of congressional authority beyond the explicit authorities that are directly discernible from the text.

By Mr. MATHESON:

H.R. 4267. Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the United States Constitution

By Mr. AMASH:

H.R. 4268. Congress has the power to enact this legislation pursuant to the following:

The Export-Import Bank is purported to be authorized under the congressional power "To regulate Commerce with foreign Nations" in Article I, Section 8, Clause 3 of the Constitution. Congress has the implied power to repeal laws that exceed its constitutional authority as well as laws within its constitutional authority.

By Mr. GRIFFITH of Virginia:

H.R. 4269. 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. HOCHUL:

H.R. 4270. Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Ms. MOORE:

H.R. 4271. Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. NADLER:

H.R. 4272. Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, clause 3 of section 8 of article I of the Constitution, and clause 18 of section 8 of article I of the Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. HARPER, Mr. ROSS of Florida, Mrs. BLACK, Mr. SMITH of Texas, and Mr. HASTINGS of Washington.

H.R. 11: Mr. RUPPERSBERGER, Mr. HINOJOSA, Mr. LARSEN of Washington, Ms. NOR-TON, and Mr. FILNER.

- H.R. 14: Mr. PASCRELL, Mr. PALLONE, and Mr. PERLMUTTER.  
H.R. 104: Ms. BONAMICI and Mr. ROONEY.  
H.R. 184: Mr. BACHUS.  
H.R. 273: Mr. LOBIONDO.  
H.R. 324: Mr. PASCRELL.  
H.R. 329: Mr. ISRAEL.  
H.R. 333: Ms. DELAURO and Mr. RIGELL.  
H.R. 365: Mr. PASCRELL.  
H.R. 529: Mr. POLIS.  
H.R. 544: Mr. RIGELL.  
H.R. 668: Mr. BROOKS.  
H.R. 683: Mr. FILNER.  
H.R. 719: Mr. FORBES and Mr. VAN HOLLEN.  
H.R. 733: Mrs. MCMORRIS RODGERS.  
H.R. 807: Mr. BOSWELL.  
H.R. 812: Mr. BARROW.  
H.R. 865: Mr. RIGELL.  
H.R. 890: Ms. KAPTUR and Mr. KIND.  
H.R. 941: Mr. FILNER.  
H.R. 1006: Mr. CRAVAACK.  
H.R. 1142: Mr. WITTMAN.  
H.R. 1179: Mr. CAMP and Ms. HAYWORTH.  
H.R. 1265: Mr. GINGREY of Georgia.  
H.R. 1342: Mr. PALLONE.  
H.R. 1381: Mr. CLARKE of Michigan.  
H.R. 1385: Mr. WALSH of Illinois.  
H.R. 1418: Mr. YARMUTH.  
H.R. 1505: Mr. MCKEON.  
H.R. 1511: Mr. FARENTHOLD.  
H.R. 1549: Mr. HUIZENGA of Michigan and Mr. WITTMAN.  
H.R. 1674: Mr. JACKSON of Illinois.  
H.R. 1675: Mr. PASCRELL, Mr. KILDEE, Mr. HIGGINS, Mr. CARDOZA, Mr. SHIMKUS, and Mr. BURTON of Indiana.  
H.R. 1697: Mr. FLEMING.  
H.R. 1739: Mr. WALSH of Illinois.  
H.R. 1802: Mr. BISHOP of New York and Mr. SCHIFF.  
H.R. 1867: Mr. HOLT.  
H.R. 1895: Mr. MICHAUD, Ms. CASTOR of Florida, Ms. TSONGAS, and Mr. LYNCH.  
H.R. 1960: Mr. DOLD.  
H.R. 2020: Ms. TSONGAS.  
H.R. 2033: Mr. ROSS of Florida.  
H.R. 2051: Mr. RIGELL, Mrs. ELLMERS, Mr. COLE, and Mr. PETRI.  
H.R. 2077: Mr. WESTMORELAND.  
H.R. 2083: Ms. MCCOLLUM and Mr. JACKSON of Illinois.  
H.R. 2085: Ms. HANABUSA.  
H.R. 2131: Mr. RIGELL.  
H.R. 2159: Mr. ANDREWS.  
H.R. 2284: Ms. SPEIER.  
H.R. 2299: Mr. POMPEO and Mr. KELLY.  
H.R. 2335: Mr. GOSAR.  
H.R. 2359: Mr. ELLISON.  
H.R. 2410: Mr. CONYERS.  
H.R. 2446: Mr. GARY G. MILLER of California.  
H.R. 2478: Mr. JACKSON of Illinois.  
H.R. 2529: Mr. BENISHEK.  
H.R. 2595: Mr. PRICE of North Carolina and Mr. JACKSON of Illinois.  
H.R. 2697: Mr. GIBBS and Mrs. ELLMERS.  
H.R. 2717: Mr. CARNEY, Mrs. LOWEY, Mr. COURTNEY, Ms. LINDA T. SANCHEZ of California, Mr. AL GREEN of Texas, Mr. MURPHY of Pennsylvania, Mr. GENE GREEN of Texas, Mr. SERRANO, Mrs. DAVIS of California, Mr. WALZ of Minnesota, Mr. GARAMENDI, Mr. DEUTCH, Mr. BISHOP of New York, Ms. SPEIER, Mr. HASTINGS of Florida, Mr. TOWNS, Mr. DOYLE, Mr. WILSON of South Carolina, Mr. WITTMAN, Mr. PASCRELL, Mr. CLARKE of Michigan, Mr. MEEKS, Ms. LORETTA SANCHEZ of California, and Mr. CARDOZA.  
H.R. 2833: Mr. POE of Texas.  
H.R. 2866: Mr. HIGGINS.  
H.R. 2969: Mr. MCGOVERN.  
H.R. 2972: Mr. SABLAN.  
H.R. 2980: Mr. MICHAUD.  
H.R. 2985: Mr. WEST, Mr. COURTNEY, Mr. GRIFFITH of Virginia, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, Mr. RUSH, Ms. SLAUGHTER, and Mr. VAN HOLLEN.  
H.R. 3064: Mr. COLE.  
H.R. 3064: Mr. JACKSON of Illinois and Mr. DUNCAN of Tennessee.  
H.R. 3087: Mr. BARTON of Texas.  
H.R. 3187: Mr. SCHIFF, Mr. OLVER, Mr. LEWIS of Georgia, and Mr. FARENTHOLD.  
H.R. 3199: Mr. CANSECO and Mr. HALL.  
H.R. 3242: Mr. JACKSON of Illinois and Mr. DAVIS of Illinois.  
H.R. 3264: Mr. POMPEO and Mr. JONES.  
H.R. 3283: Mr. BACA.  
H.R. 3286: Mr. JACKSON of Illinois.  
H.R. 3337: Mr. RIGELL.  
H.R. 3393: Mr. HARRIS.  
H.R. 3405: Mr. OWENS.  
H.R. 3423: Mr. CAPUANO, Mr. BARROW, Mr. GOODLATTE, Mr. DOYLE, and Mr. COHEN.  
H.R. 3425: Ms. ZOE LOFGREN of California.  
H.R. 3506: Mr. LATOURETTE.  
H.R. 3533: Mr. CICILLINE.  
H.R. 3586: Mr. BILIRAKIS and Mr. MCKEON.  
H.R. 3587: Mr. FILNER.  
H.R. 3624: Ms. PINGREE of Maine and Mr. PRICE of North Carolina.  
H.R. 3627: Mr. GOSAR and Mrs. BLACKBURN.  
H.R. 3634: Mr. FRANKS of Arizona.  
H.R. 3640: Mr. COLE.  
H.R. 3658: Ms. SLAUGHTER, Mr. HINCHEY, Ms. SCHAKOWSKY, Mr. TOWNS, and Mr. JACKSON of Illinois.  
H.R. 3661: Mr. SCHIFF.  
H.R. 3713: Mr. DANIEL E. LUNGREN of California.  
H.R. 3805: Mr. CULBERSON.  
H.R. 3821: Ms. NORTON.  
H.R. 3824: Mr. SMITH of Washington and Mrs. DAVIS of California.  
H.R. 3826: Mr. CARDOZA, Ms. MATSUI, Ms. PINGREE of Maine, Ms. HOCHUL, and Mr. QUIGLEY.  
H.R. 3831: Mr. KILDEE.  
H.R. 3895: Ms. HAYWORTH.  
H.R. 3915: Mr. REED.  
H.R. 4000: Mr. POSEY.  
H.R. 4031: Mr. BOREN.  
H.R. 4070: Mr. CONYERS.  
H.R. 4077: Mr. ENGEL.  
H.R. 4124: Mr. WITTMAN.  
H.R. 4133: Mr. WOLF, Mr. ROSS of Florida, Mr. FORBES, Mr. KING of New York, Mr. YODER, Mr. RENACCI, Ms. CASTOR of Florida, Mr. CICILLINE, Mr. CRITZ, Mr. JOHNSON of Georgia, Mr. LEVIN, Mr. OWENS, Mr. PASCRELL, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Mr. SMITH of Washington, Mr. VISCLOSKEY, Mr. WAXMAN, Ms. HANABUSA, Mr. ROE of Tennessee, Mr. MACK, Mr. CLARKE of Michigan, Mr. UPTON, Mr. RIBBLE, Mr. CALVERT, Mr. DIAZ-BALART, Mr. GRIMM, Mr. FRANK of Massachusetts, Mr. HIMES, Ms. RICHARDSON, Mr. MARKEY, and Mr. STEARNS.  
H.R. 4134: Mr. KINZINGER of Illinois, Mr. REHBERG, Mr. BARROW, and Mr. NUNES.  
H.R. 4154: Mr. GRIJALVA.  
H.R. 4157: Mr. CAMP, Mr. BOSWELL, Mr. CARTER, Mr. JOHNSON of Illinois, Mr. GUTHRIE, Mr. GOSAR, Mr. THORNBERRY, Mr. JONES, Mr. MCINTYRE, Mr. SIMPSON, Mrs. ELLMERS, Mr. AMODEI, Mr. LATTA, Mr. CANSECO, Mrs. BLACKBURN, and Mr. UPTON.  
H.R. 4158: Ms. ZOE LOFGREN of California.  
H.R. 4164: Mr. BRALEY of Iowa, Mr. BOSWELL, Ms. BORDALLO, and Mr. LATHAM.  
H.R. 4168: Mr. RIGELL.  
H.R. 4169: Mr. TIERNEY and Mr. TOWNS.  
H.R. 4170: Ms. PINGREE of Maine.  
H.R. 4173: Mr. RUSH, Ms. PINGREE of Maine, Mr. LEWIS of Georgia, Ms. MCCOLLUM, Ms. EDWARDS, Mr. THOMPSON of Mississippi, Mr. MCGOVERN, Mr. HINCHEY, Mr. DAVIS of Illinois.  
H.R. 4178: Mr. COFFMAN of Colorado.  
H.R. 4188: Mr. LATHAM.  
H.R. 4196: Ms. LORETTA SANCHEZ of California, Mr. SCHOCK, Mr. HERGER, Mr. REICHERT, and Mrs. MCMORRIS RODGERS.  
H.R. 4200: Mr. JONES and Mr. COFFMAN of Colorado.  
H.R. 4222: Mr. COLE.  
H.R. 4227: Mr. CONYERS, Mr. DEFAZIO, Mr. GRIJALVA, Mr. HOLT, Mr. KILDEE, Mr. LOEBSACK, Mr. NADLER, Ms. NORTON, Mr. REYES, and Ms. RICHARDSON.  
H.R. 4228: Mr. YOUNG of Indiana and Mr. ROHRABACHER.  
H.R. 4229: Mr. ROTHMAN of New Jersey, Mr. GRIMM, Ms. BECKLEY, Mr. ENGEL, Mr. DEUTCH, Mr. WAXMAN, Ms. BROWN of Florida, Mr. PETERS, Mrs. LOWEY, Mr. TURNER of New York, Mr. KEATING, Ms. SCHWARTZ, Mr. HULTGREN, Mr. MCDERMOTT, Mr. GENE GREEN of Texas, Mr. RANGEL, Mr. ISRAEL, Mr. ANDREWS, Mr. MURPHY of Pennsylvania, Mr. SCHOCK, Mr. NADLER, Mr. CONNOLLY of Virginia, Mrs. MCCARTHY of New York, and Mr. HASTINGS of Florida.  
H.R. 4232: Mr. GOSAR.  
H.R. 4251: Mr. THOMPSON of Mississippi and Ms. JACKSON LEE of Texas.  
H.J. Res. 103: Mr. POE of Texas, Mr. SMITH of Texas, and Mr. GRIFFITH of Virginia.  
H.J. Res. 104: Mr. GRIFFIN of Arkansas.  
H. Con. Res. 110: Mr. NUNNELEE, Mrs. BLACKBURN, Mr. BARTLETT, Ms. JENKINS, Mr. GRIFFITH of Virginia, Mr. GOWDY, Mr. JONES, Mrs. MYRICK, Mr. CHAFFETZ, and Mr. KINGSTON.  
H. Con. Res. 113: Mr. JORDAN, Mr. MULVANEY, Mr. MCCCLINTOCK, and Mr. HUELSKAMP.  
H. Res. 111: Mr. HUELSKAMP and Mr. STEARNS.  
H. Res. 560: Mr. FILNER.  
H. Res. 583: Mr. MICHAUD and Mr. FARR.

#### DELETION OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

- H.R. 3596: Mr. PITTS.