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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
June 26, 2012.

I hereby appoint the Honorable VIRGINIA FOXX to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 25, 2012.

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

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

That the Senate passed S. 3240.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

RECESS

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

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

□ 1400

AFTER RECESS

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

PRAYER

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

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

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

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

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

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

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. BURGESS led the Pledge of Allegiance as follows:

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

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

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

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

THE FATE OF THE AFFORDABLE CARE ACT AWAITS THE SUPREME COURT

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

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

and their announcement will certainly be watched by all.

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

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

ARIZONA IMMIGRATION RULING IS A HUGE VICTORY FOR AMERICAN JOBS

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

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

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

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

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

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

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

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

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

James from Kingwood, Texas, wrote me this:

When, as an officer on activity duty, I took an oath to support and defend the Constitution. I honored and still honor that oath because I believe in this country and in the constitutional form of government.

As near as I can see, the President is not enforcing the laws he is required to do. If a military officer were found selectively performing his duty, he would be court-martialed, discharged, and dismissed from the service, as he should be.

Sir, how long does the President get to thumb his nose at the Constitution and at Congress? The Congress must take action now to support the Constitution, or we won't have a Constitution.

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

And that's just the way it is.

HOUSE GOP JOBS PLAN

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

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

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

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

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

RECESS

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

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

□ 1448

AFTER RECESS

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ENABLING ENERGY SAVING INNOVATIONS ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4850

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Enabling Energy Saving Innovations Act''.

SEC. 2. INNOVATIVE COMPONENT TECHNOLOGIES.

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

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

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

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

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

The Chair recognizes the gentleman from Kentucky.

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

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

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

□ 1450

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

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

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

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

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

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

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

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

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

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

Mr. WHITFIELD. We have no further speakers.

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

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

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

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

A motion to reconsider was laid on the table.

COLLINSVILLE RENEWABLE ENERGY PROMOTION ACT

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5625

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Collinsville Renewable Energy Promotion Act''.

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

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

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

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

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

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

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

SEC. 4. ENVIRONMENTAL ASSESSMENT.

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

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

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

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

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

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

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

SEC. 5. DEADLINE.

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

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

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

SEC. 6. PROTECTION OF EXISTING RIGHTS.

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

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

The Chair recognizes the gentleman from Kentucky.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

□ 1500

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

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5889

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012''.

TITLE I—SAFETY OF MARITIME NAVIGATION

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

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

(1) in subsection (b)—

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

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

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

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

(3) by striking subsection (d);

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

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

''(1) 'applicable treaty' means—

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

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

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

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

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

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

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

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

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

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

''(3) 'biological weapon' means—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) serious bodily injury,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) OFFENSES.—

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

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

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

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

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

''(B) transports on board a ship—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(A) such activity is committed—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(a) OFFENSES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(d) DEFINITIONS.—In this section—

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

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

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

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

SEC. 105. ANCILLARY MEASURE.

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

TITLE II—PREVENTION OF NUCLEAR TERRORISM

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

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

''§ 2332i. Acts of nuclear terrorism

''(a) OFFENSES.—

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

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

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

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

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

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

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

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

shall be punished as prescribed in subsection (c).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(2) 'device' means:

''(A) any nuclear explosive device; or

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

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

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

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

''(6) 'nuclear facility' means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) in subsection (a)—

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

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

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

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

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

(b) in subsection (b)—

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

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

(c) in subsection (c)—

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

(2) by striking paragraph (5);

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

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

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

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

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

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

(e) by inserting after subsection (c):

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

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

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

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A. GENERAL BACKGROUND

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

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

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

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

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

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

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

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

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

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

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

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

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

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4223

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Strengthening and Focusing Enforcement to Deter Organized Stealing and Enhance Safety Act of 2012'' or the ''SAFE DOSES Act''.

SEC. 2. THEFT OF MEDICAL PRODUCTS.

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

''§ 670. Theft of medical products

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

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

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

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

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

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

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

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

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

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

''(2) the violation—

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

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

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

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

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

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

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

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

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

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

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

''(e) DEFINITIONS.—In this section—

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

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

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

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

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

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

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

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

SEC. 3. CIVIL FORFEITURE.

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

SEC. 4. PENALTIES FOR THEFT-RELATED OFFENSES.

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

(b) RACKETEERING.—

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

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

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

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

(d) STOLEN PROPERTY.—

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

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

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

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

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

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

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

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

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

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

SEC. 6. REQUIRED RESTITUTION.

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

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

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

(3) by adding at the end the following:

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

SEC. 7. DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.

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

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

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

(A) the serious nature of such offenses;

(B) the incidence of such offenses; and

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1510

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1520

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

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

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

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

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

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

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

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

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

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

transportation of counterfeit drugs should be locked up.

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

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

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

A motion to reconsider was laid on the table.

PUBLIC SAFETY OFFICERS' BENEFITS IMPROVEMENTS ACT OF 2012

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4018

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

SECTION 1. SHORT TITLE.

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

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

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

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

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

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

(C) by adding at the end the following:

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

(2) in section 1201 (42 U.S.C. 3796)—

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

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

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

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

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

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

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

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

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

(B) in subsection (b)—

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

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

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

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

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

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

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

(C) in subsection (f)—

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

(ii) in paragraph (2)—

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

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

(iii) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

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

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

(E) by adding at the end the following:

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

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

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

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

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

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

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

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

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

(B) in paragraph (3)—

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

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

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

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

(C) in paragraph (5)—

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

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

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

''(A) is a public agency; or

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

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

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

(E) in paragraph (9)—

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

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

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

(iv) by adding at the end the following:

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

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

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

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

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

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

(A) in subsection (a)—

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

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

(B) in subsection (c)—

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

(ii) by striking ''dependent'';

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 4. EFFECTIVE DATE.

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

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

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

(b) EXCEPTIONS.—

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1530

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

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

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

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

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

And that's just the way it is.

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

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

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

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

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

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

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

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

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3412

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

SECTION 1. SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING.

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1540

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

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

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

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

I ask my colleagues to support this bill.

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

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

I yield back the balance of my time.

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

SPC NICHOLAS SCOTT HARTGE POST OFFICE

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3501

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

SECTION 1. SPC NICHOLAS SCOTT HARTGE POST OFFICE.

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

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

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

The Chair recognizes the gentleman from Texas.

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

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

Madam Speaker, I reserve the balance of my time.

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

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

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

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

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

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

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

□ 1550

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

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

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

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

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

I urge my colleagues to support this legislation.

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

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

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3772

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

SECTION 1. FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING.

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

□ 1600

REVEREND ABE BROWN POST OFFICE BUILDING

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3276

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

SECTION 1. REVEREND ABE BROWN POST OFFICE BUILDING.

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

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question was taken.

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

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

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

The point of no quorum is considered withdrawn.

PROMOTING DEVELOPMENT OF SOUTHWEST DISTRICT OF COLUMBIA WATERFRONT

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

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

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

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

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

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

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

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

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

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

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

There was no objection.

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

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

□ 1610

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. CLAY. I urge passage of the bill, and I yield back the balance of my time.

Mr. FARENTHOLD. Madam Speaker, I join with my colleagues in urging support of this bipartisan economic growth and jobs bill. It will create a vital new area in what is developing as a vibrant part of the District of Columbia.

I urge my colleagues to support H.R. 2297, and I yield back the balance of my time.

Mr. ISSA. Madam Speaker, I include the attached exchange of letters between Chairman JOHN MICA of the Committee on Transportation and Infrastructure and myself on the Senate amendment to H.R. 2297.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, June 25, 2012.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning the Senate amendment to H.R. 2297. There are certain provisions in the legislation which fall within the jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite the House's consideration of the Senate amendment to H.R. 2297, the Committee will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future.

I would appreciate your response to this letter, confirming this understanding, and would request that you include our exchange

of letters on this matter in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

JOHN L. MICA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, June 26, 2012.

Hon. JOHN L. MICA,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in the Senate amendment to H.R. 2297, ''To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes,'' and your willingness to forego consideration of the Senate amendment to H.R. 2297 by your committee.

I agree that the Transportation and Infrastructure Committee has a valid jurisdictional interest in certain provisions of the Senate amendment to H.R. 2297, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of the Senate amendment to H.R. 2297.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2297.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Securing Maritime Activities through Risk-based Targeting for Port Security Act'' or the ''SMART Port Security Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is the following:

SEC. 3. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(2) DEPARTMENT.—The term ''Department'' means the Department of Homeland Security.

(3) FUNCTION.—The term ''function'' includes authorities, powers, rights, privileges, immunities, programs, projects, activities, duties, and responsibilities.

(4) LOCAL GOVERNMENT.—The term ''local government'' means—

(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

(B) an Indian tribe or authorized tribal organization, or in Alaska a Native village or Alaska Regional Native Corporation; and

(C) a rural community, unincorporated town or village, or other public entity.

(5) PERSONNEL.—The term ''personnel'' means officers and employees.

(6) SECRETARY.—The term ''Secretary'' means the Secretary of Homeland Security.

(7) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(8) TERRORISM.—The term ''terrorism'' has the meaning given such term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(9) UNITED STATES.—The term ''United States'', when used in a geographic sense, means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any possession of the United States, and any waters within the jurisdiction of the United States.

TITLE I—DEPARTMENT OF HOMELAND SECURITY PORT SECURITY PROGRAMS

SEC. 101. UPDATES OF MARITIME OPERATIONS COORDINATION PLAN.

(a) IN GENERAL.—Not later than July 1, 2014, the Secretary shall submit to the appropriate congressional committees a maritime operations coordination plan for the coordination and cooperation of maritime operations undertaken by the agencies within the Department. Such plan shall update the maritime operations coordination plan released by the Department in July 2011, and shall address the following:

(1) Coordination of planning, integration of maritime operations, and development of joint situational awareness of any office or agency of the Department with responsibility for maritime homeland security missions.

(2) Maintaining effective information sharing and, as appropriate, intelligence integration, with Federal, State, and local officials and the private sector, regarding threats to maritime security.

(3) Leveraging existing departmental coordination mechanisms, including the Interagency Operational Centers, as authorized under section 70107A of title 46, United States Code, the U.S. Customs and Border Protection Air and Marine Operations Center, the U.S. Customs and Border Protection Operational Integration Center, and other regional maritime operational command centers.

(4) Cooperation and coordination with other agencies of the Federal Government, and State and local agencies, in the maritime environment, in support of maritime homeland security missions.

(5) Work conducted within the context of other national and Department maritime security strategic guidance.

(b) ADDITIONAL UPDATES.—Not later than July 1, 2019, the Secretary, acting through the Department's Office of Operations Coordination and Planning, shall submit to the appropriate congressional committees an additional update to the maritime operations coordination plan.

SEC. 102. U.S. CUSTOMS AND BORDER PROTECTION OFFICE OF AIR AND MARINE ASSET DEPLOYMENT.

(a) IN GENERAL.—Any new asset deployment by the U.S. Customs and Border Protection's Office of Air and Marine, following the date of the enactment of this Act, shall, to the greatest extent practicable, occur in accordance with a risk-based assessment that considers mission needs, performance results, threats, costs, and any other relevant factors identified by the Secretary. Specific factors to be included in such assessment shall include, at a minimum, the following:

(1) Mission requirements that prioritize the operational needs of field commanders to secure the United States border and ports.

(2) Other Department assets available to help address any unmet border and port security mission needs.

(3) Risk analysis showing positioning of the asset at issue to respond to intelligence on emerging terrorist and other threats.

(4) Cost-benefit analysis showing the relative ability to use the asset at issue in the most cost-effective way to reduce risk and achieve mission success.

(b) CONSIDERATIONS.—An assessment required under subsection (a) shall consider applicable Federal guidance, standards, and agency strategic and performance plans, including the following:

(1) The most recent Departmental Quadrennial Homeland Security Review, and any follow-up guidance related to such Review.

(2) The Department's Annual Performance Plans.

(3) Department policy guiding use of integrated risk management in resource allocation decisions.

(4) Department and U.S. Customs and Border Protection Strategic Plans and Resource Deployment Plans.

(5) Applicable aviation guidance from the Department, including the DHS Aviation Concept of Operations.

(6) Other strategic and acquisition guidance promulgated by the Federal Government as the Secretary determines appropriate.

(c) AUDIT AND REPORT.—The Inspector General of the Department shall biennially audit the deployment of new assets within U.S. Customs and Border Protection's Office of Air and Marine and submit to the appropriate congressional committees a report on the compliance of the Department with the requirements of this section.

SEC. 103. COST-BENEFIT ANALYSIS OF CO-LOCATING OPERATIONAL ENTITIES.

(a) IN GENERAL.—For all locations in which U.S. Customs and Border Protection's Office of Air and Marine operates that are within 25 miles of locations where any other Department agency also operates air and marine assets, the Secretary shall conduct a cost-benefit analysis to consider the potential cost of and savings derived from co-locating aviation and maritime operational assets of the different agencies of the Department. In analyzing the potential cost savings achieved by sharing aviation and maritime facilities, the study shall consider at a minimum the following factors:

(1) Potential enhanced cooperation derived from Department personnel being co-located.

(2) Potential cost of, and savings derived through, shared maintenance and logistics facilities and activities.

(3) Joint use of base and facility infrastructure, such as runways, hangars, control towers, operations centers, piers and docks, boathouses, and fuel depots.

(4) Short term moving costs required in order to co-locate facilities.

(5) Acquisition and infrastructure costs for enlarging current facilities as needed.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report summarizing the results of the cost-benefit analysis required under subsection (a) and any planned actions based upon such results.

SEC. 104. STUDY OF MARITIME SECURITY REDUNDANCIES.

The Comptroller General of the United States shall by not later than 1 year after the date of enactment of this Act—

(1) conduct a review of port security and maritime law enforcement operations within the Department to identify initiatives and programs with duplicative, overlapping, or redundant goals and activities, including the cost of such duplication; and

(2) submit to the appropriate congressional committees a report on the findings of the study, including—

(A) recommendations for consolidation, elimination, or increased cooperation to reduce unnecessary duplication found in the study; and

(B) an analysis of personnel, maintenance, and operational costs related to unnecessarily duplicative, overlapping, or redundant goals and activities found in the study.

SEC. 105. ACQUISITION AND STRATEGIC SOURCING OF MARINE AND AVIATION ASSETS.

(a) IN GENERAL.—Before initiating the acquisition of any new boat or aviation asset, the Secretary shall coordinate across the agencies of the Department, as appropriate, to—

(1) identify common mission requirements before initiating a new acquisition program; and

(2) standardize, to the extent practicable, equipment purchases, streamline the acquisition process, and conduct best practices for strategic sourcing to improve control, reduce cost, and facilitate oversight of asset purchases prior to issuing a Request for Proposal.

(b) ESTABLISHMENT OF AVIATION AND MARITIME COORDINATION MECHANISM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a coordinating mechanism for aviation and maritime issues, including issues related to the acquisition, administration, operations, maintenance, and joint management across the Department, in order to decrease procurement and operational costs and increase efficiencies.

(c) SPECIAL RULE.—For the purposes of this section, a boat shall be considered any vessel less than 65 feet in length.

SEC. 106. PORT SECURITY GRANT PROGRAM MANAGEMENT.

(a) DETERMINATION OF APPLICATIONS.—Section 70107(g) of title 46, United States Code, is amended

(1) by striking ''Any entity'' and inserting the following:

''(1) IN GENERAL.—Any entity''; and

(2) by adding at the end the following:

''(2) DETERMINATION.—Notwithstanding any other provision of law, the Secretary shall, not later than 60 days after the date on which an applicant submits a complete application for a grant under this section, either approve or disapprove the application.''.

(b) ADMINISTRATION OF COST SHARE DETERMINATIONS.—Section 70107(c)(2) of title 46, United States Code, is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) HIGHER LEVEL OF SUPPORT REQUIRED.—If the Secretary or the Secretary's designee determines that a proposed project merits support and cannot be undertaken without a higher rate of Federal support, then the Secretary or the Secretary's designee may approve grants under this section for that project with a matching requirement other than that specified in paragraph (1).''; and

(2) by inserting after subparagraph (C) the following:

''(D) COST SHARE DETERMINATIONS.—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for a matching requirement waiver under this paragraph the Secretary shall either approve or disapprove the application.''.

(c) ADMINISTRATION.—Section 70107(i) of title 46, United States Code, is amended by adding after paragraph (4) the following:

''(5) RELEASE OF FUNDS.—To the maximum extent practicable, the Secretary shall complete all necessary programmatic reviews and release grant funds awarded under this section to the appropriate entity not later than 180 days after the date on which an applicant submits a complete application.

''(6) PERFORMANCE PERIOD.—The Secretary shall utilize a period of performance of not less than 3 years for expenditure of grant funds awarded under this section.

''(7) EXTENSION DETERMINATIONS.—Notwithstanding any other provision of law, not later than 60 days after the date on which an applicant submits a complete application for an extension of the period of performance for a grant, the Secretary shall either approve or disapprove the application.''.

SEC. 107. PORT SECURITY GRANT FUNDING FOR MANDATED SECURITY PERSONNEL.

Section 70107(b)(1) of title 46, United States Code, is amended by striking the period and inserting the following: '', including overtime and backfill costs incurred in support of other expenditures authorized under this subsection, except that not more than 50 percent of amounts received by a grantee under this section for a fiscal year may be used under this paragraph.''.

SEC. 108. INTERAGENCY OPERATIONAL CENTERS FOR PORT SECURITY.

(a) PARTICIPATING PERSONNEL.—Section 70107A(b)(1)(B) of title 46, United States Code, is amended—

(1) by inserting '', not less than part-time representation from U. S. Customs and Border Protection and U.S. Immigration and Customs Enforcement,''after ''the Coast Guard''; and

(2) by striking ''the United States Customs and Border Protection, the United States Immigration and Customs Enforcement,''.

(b) ASSESSMENT.—Not later than one year after the date of enactment of this Act the Secretary (as that term is used in that section) shall transmit to the appropriate congressional committees an assessment of—

(1) interagency operational centers under such section and the implementation of the amendments made by this section;

(2) participation in such centers and by Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities, including joint daily operational coordination, training and certifying of non-Federal law enforcement personnel, and joint training exercises;

(3) deployment of interoperable communications equipment under subsection (e) of such section, including—

(A) an assessment of the cost-effectiveness and utility of such equipment for Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities;

(B) data showing which Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities are utilizing such equipment;

(C) an explanation of the process in place to obtain and incorporate feedback from Federal agencies, State and local law enforcement agencies, port security agencies, and other public and private sector entities that are utilizing such equipment in order to better meet their needs; and

(D) an updated deployment schedule and life cycle cost estimate for the deployment of such equipment; and

(4) mission execution and mission support activities of such centers, including daily coordination activities, information sharing, intelligence integration, and operational planning.

SEC. 109. REPORT ON DHS AVIATION ASSETS.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that analyzes and compares the costs, capabilities, and missions of different aviation assets, including unmanned aerial vehicles, utilized by the Department to assess the relative costs of unmanned aerial vehicles as compared to manned aerial vehicles, and any increased operational benefits offered by unmanned aerial vehicles as compared to manned aviation assets.

(b) REQUIRED DATA.—The report required under subsection (a) shall include a detailed assessment of costs for operating each type of asset described in such report, including—

(1) fuel costs;

(2) crew and staffing costs;

(3) maintenance costs;

(4) communication and satellite bandwidth costs;

(5) costs associated with the acquisition of each type of such asset; and

(6) any other relevant costs necessary to provide a holistic analysis and to identify potential cost savings.

SEC. 110. SMALL VESSEL THREAT ANALYSIS.

Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report analyzing the threat of, vulnerability to, and consequence of an act of terrorism using a small vessel to attack United States vessels, ports, or maritime interests.

SEC. 111. U.S. CUSTOMS AND BORDER PROTECTION WORKFORCE PLAN.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a plan for optimizing staffing levels for U.S. Customs and Border Protection personnel to carry out the mission of the Department, including optimal levels of U.S. Customs and Border Protection staffing required to conduct all border security functions.

(b) CONSIDERATION OF PRIOR STAFFING RESOURCES.—The staffing plan required under subsection (a) shall consider previous staffing models prepared by the Department and assessments of threat and vulnerabilities.

SEC. 112. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 201 et seq.) is amended by adding at the end the following:

''SEC. 432. INTEGRATED CROSS-BORDER MARITIME OPERATIONS BETWEEN THE UNITED STATES AND CANADA.

''(a) AUTHORIZATION.—The Secretary is authorized to establish an Integrated Cross-Border Maritime Operations Program to coordinate maritime security operations between the United States and Canada (in this section referred to as the 'Program').

''(b) PURPOSE.—The Secretary, acting through the Commandant of the Coast Guard, shall administer the Program in a manner that results in a cooperative approach between the United States and Canada to strengthen border security and detect, prevent, suppress, investigate, and respond to terrorism and violations of law related to border security.

''(c) TRAINING.—The Secretary, acting through the Commandant of the Coast Guard, in consultation with the Secretary of State, may—

''(1) establish, as an element of the Program, a training program to create designated maritime law enforcement officers;

''(2) conduct training jointly with Canada, including training—

''(A) on the detection and apprehension of suspected terrorists and individuals attempting to unlawfully cross or unlawfully use the international maritime border between the United States and Canada, to enhance border security;

''(B) on the integration, analysis, and dissemination of port security information between the United States and Canada;

''(C) on the respective policy, regulatory, and legal considerations related to the Program;

''(D) on the use of force and maritime security;

''(E) in operational procedures and protection of information and other sensitive information; and

''(F) on preparedness and response to maritime terrorist incidents.

''(d) COORDINATION.—The Secretary, acting through the Commandant of the Coast Guard, shall coordinate the Program with other similar border security and antiterrorism programs within the Department.

''(e) MEMORANDA OF AGREEMENT.—The Secretary may enter into any memorandum of agreement necessary to carry out the Program.

''(f) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appropriated to the Secretary $2,000,000 for each of fiscal years 2013 and 2014.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such subtitle the following new item:

''Sec. 432. Integrated cross-border maritime operations between the United States and Canada.''.

SEC. 113. TRAINING AND CERTIFICATION OF TRAINING FOR PORT SECURITY.

(a) USE OF PORT SECURITY GRANT FUNDS.—Section 70107(b)(8) of title 46, United States Code, is amended to read as follows:

''(8) The cost of training and certifying a law enforcement officer employed by a law enforcement agency under section 70132 of this title.''.

(b) MATCHING REQUIREMENT.—Section 70107(c)(2)(C) of such title is amended to read as follows:

''(C) TRAINING AND CERTIFICATION.—There are no matching requirements for grants under subsection (a) to train and certify law enforcement personnel under section 70132 of this title.''.

(c) CREDENTIALING STANDARDS, TRAINING, AND CERTIFICATION.—Section 70132 of such title is amended as follows:

(1) In the section heading, by striking ''**for State and local support for the enforcement of security zones for the transportation of especially hazardous cargo**'' and inserting ''**of maritime law enforcement personnel**''.

(2) By amending subsection (a) to read as follows:

''(a) STANDARDS.—The Commandant of the Coast Guard shall establish standards for training, qualification, and certification of a law enforcement officer employed by a law enforcement agency, to conduct or execute, pursuant to a cooperative enforcement agreement, maritime security, maritime law enforcement, and maritime surge capacity activities.''.

(3) In subsection (b)(1), by amending subparagraphs (A) and (B) to read as follows:

''(A) after notice and opportunity for public comment, may develop and publish training curricula for the standards established under subsection (a); and

''(B) may—

''(i) test and deliver training for which the curriculum is developed under subparagraph (A);

''(ii) enter into an agreement under which any Federal, State, local, tribal, or private sector entity may test and deliver such training; and

''(iii) accept the results of training conducted by any Federal, State, local, tribal, or private sector entity under such an agreement.''.

(4) By striking subsection (b)(2) and inserting the following:

''(2) Any training developed under paragraph (1) after the date of enactment of the SMART Port Security Act shall be developed in consultation with the Federal Law Enforcement Training Center.''.

(5) In subsection (b)(4)—

(A) by inserting after ''any moneys,'' the following: ''other than an allocation made under the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777 et seq.),''; and

(B) by striking ''training of personnel to assist in the enforcement of security zones and limited access areas'' and inserting ''training and certifying personnel under this section''.

(6) By striking subsection (c) and inserting the following:

''(c) CERTIFICATION OF PERSONNEL.—The Commandant of the Coast Guard may issue a certificate to law enforcement officer employed by a law enforcement agency, who has successfully completed training that the Commandant has developed under this section.''.

(7) By adding at the end the following:

''(d) TACTICAL TRAINING FOR LAW ENFORCEMENT PERSONNEL.—The Commandant of the Coast Guard may make such training developed under this section available to law enforcement officers employed by a law enforcement agency, on either a reimbursable or a non-reimbursable basis, if the Commandant determines that—

''(1) a member of the Coast Guard is unable or unavailable to undertake tactical training the authorization of which had been previously approved, and no other member of the Coast Guard is reasonably available to undertake such training;

''(2) the inability or unavailability of Coast Guard personnel to undertake such training creates training capacity within the training program; and

''(3) such training, if made available to such law enforcement officers, would contribute to achievement of the purposes of this section.''.

(d) CONFORMING AMENDMENT.—Chapter 701 of such title is amended—

(1) by striking the heading for subchapter II and inserting the following:

''Subchapter II—Port Security Training and Certification''; and

(2) in the table of sections at the beginning of the chapter—

(A) by striking the item relating to the heading for subchapter II and inserting the following:

''SUBCHAPTER II—PORT SECURITY TRAINING AND CERTIFICATION''; AND

(B) by striking the item relating to section 70132 and inserting the following:

''70132. Credentialing standards, training, and certification of maritime law enforcement personnel.''.

(e) TECHNICAL CORRECTIONS.—Chapter 701 of such title is amended—

(1) by moving sections 70122, 70123, 70124, and 70125 so as to appear at the end of subchapter I of such chapter;

(2) in the table of sections at the beginning of the chapter, in the item relating to section 70107A, by adding at the end a period; and

(3) by striking the heading for section 70124 and inserting the following:

''§ 70124. Regulations''.

SEC. 114. NORTHERN BORDER UNMANNED AERIAL VEHICLE PILOT PROJECT.

(a) RESEARCH AND DEVELOPMENT.—The Secretary shall research and develop technologies to allow routine operation of medium-sized unmanned aerial vehicles, including autonomously piloted drones, within the national airspace for border and maritime security missions without any degradation of existing levels of security-related surveillance or of safety for all national airspace system users.

(b) PILOT PROJECT.—No later than 180 days after the date of enactment of this Act, the Secretary shall commence a pilot project in segregated airspace along the northern border to conduct experiments and collect data in order to accelerate the safe integration of medium-sized unmanned aircraft systems into the national airspace system.

SEC. 115. RECOGNITION OF PORT SECURITY ASSESSMENTS CONDUCTED BY OTHER ENTITIES.

Section 70108 of title 46, United States Code, is amended by adding at the end the following new subsection:

''(f) RECOGNITION OF ASSESSMENT CONDUCTED BY OTHER ENTITIES.—

''(1) CERTIFICATION AND TREATMENT OF ASSESSMENTS.—For the purposes of this section and section 70109, the Secretary may treat an assessment conducted by a foreign government or international organization as an assessment by the Secretary required by subsection (a), if the Secretary certifies that the assessment was conducted in accordance with subsection (b).

''(2) AUTHORIZATION TO ENTER INTO AGREEMENTS OR ARRANGEMENTS.—The Secretary may enter into an agreement or arrangement with a foreign government or international organization, under which—

''(A) such government or organization may, on behalf of the Secretary, conduct an assessment required under subsection (a), or share

with the Secretary information pertaining to such assessments; and

''(B) the Secretary may, on behalf of such foreign government or organization, conduct an assessment described in subsection (a), or share with such foreign government or organization information pertaining to such assessments.

''(3) LIMITATIONS.—Nothing in this subsection—

''(A) requires the Secretary to recognize an assessment that a foreign government or an international organization conducts pursuant to this subsection; or

''(B) limits the discretion or ability of the Secretary to conduct an assessment under this section.

''(4) NOTIFICATION.—Not later than 30 days before entering into an agreement or arrangement with a foreign government under paragraph (2), the Secretary shall notify the appropriate congressional committees of the proposed terms of such agreement or arrangement.''.

SEC. 116. USE OF PORT SECURITY GRANT FUNDS FOR REPLACEMENT OF SECURITY EQUIPMENT OR FACILITIES.

Section 70107(b)(2) of title 46, United States Code, is amended by inserting ''(including replacement)'' after ''acquisition''.

TITLE II—MARITIME SUPPLY CHAIN SECURITY

SEC. 201. STRATEGIC PLAN TO ENHANCE THE SECURITY OF THE INTERNATIONAL SUPPLY CHAIN.

Section 201 of the SAFE Port Act (6 U.S.C. 941) is amended—

(1) by amending subsection (b) to read as follows:

''(b) REQUIREMENTS.—The strategic plan required under subsection (a), and any updates to the strategic plan required under subsection (g), shall—

''(1) identify and address gaps and unnecessary redundancies or overlaps in the roles, responsibilities, or authorities of the agencies responsible for securing the supply chain, including—

''(A) any unnecessary redundancies or overlaps in Federal transportation security credentialing programs; and

''(B) any unnecessary redundancies or overlaps in Federal trusted shipper or trusted trader programs;

''(2) review ongoing efforts to align activities throughout the Federal Government to—

''(A) improve coordination among the agencies referred to in paragraph (1);

''(B) facilitate the efficient flow of legitimate commerce;

''(C) enhance the security of the international supply chain; or

''(D) address any gaps or overlaps described in paragraph (1);

''(3) identify further regulatory or organizational changes necessary to—

''(A) improve coordination among the agencies referred to in paragraph (1);

''(B) facilitate the efficient flow of legitimate commerce;

''(C) enhance the security of the international supply chain; or

''(D) address any gaps or overlaps described in paragraph (1);

''(4) provide measurable goals, including objectives, mechanisms, and a schedule, for furthering the security of commercial operations from point of origin to point of destination;

''(5) build on available resources and consider costs and benefits;

''(6) recommend additional incentives for voluntary measures taken by private sector entities to enhance supply chain security, including additional incentives for such entities participating in the Customs-Trade Partnership Against Terrorism in accordance with sections 214, 215, and 216;

''(7) consider the impact of supply chain security requirements on small- and medium- sized companies;

''(8) identify a framework for prudent and measured response in the event of a transportation security incident involving the international supply chain;

''(9) provide updated protocols for the expeditious resumption of the flow of trade in accordance with section 202;

''(10) review and address implementation of lessons learned from recent exercises conducted under sections 114 and 115, and other international supply chain security, response, or recovery exercises that the Department participates in, as appropriate;

''(11) consider the linkages between supply chain security and security programs within other systems of movement, including travel security and terrorism finance programs;

''(12) be informed by technologies undergoing research, development, testing, and evaluation by the Department; and

''(13) expand upon and relate to existing strategies and plans for securing supply chains, including the National Response Plan, the National Maritime Transportation Security Plan, the National Strategy for Maritime Security, and the eight supporting plans of such National Strategy for Maritime Security, as required by Homeland Security Presidential Directive 13.'';

(2) in subsection (g)—

(A) in the heading for paragraph (2), by striking ''FINAL'' and inserting ''UPDATED''; and

(B) by adding at the end the following new paragraphs:

''(3) FINAL REPORT.—Not later than two years after the date on which the update of the strategic plan is submitted under paragraph (2), the Secretary shall submit to the appropriate congressional committees a report that contains a further update of the strategic plan.

''(4) IMPLEMENTATION PLAN.—Not later than one year after the date on which the final update of the strategic plan is submitted under paragraph (3), the Secretary shall submit to the appropriate congressional committees an implementation plan for carrying out the strategic plan.''; and

(3) by adding at the end the following new subsection:

''(h) THREAT ASSESSMENT.—In developing the reports and implementation plan required under subsection (g), the Secretary shall take into account an assessment of the current threats to the global supply chain.''.

SEC. 202. CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) UNANNOUNCED INSPECTIONS.—Section 217(a) of the SAFE Port Act (6 U.S.C. 967(a)) is amended—

(1) by striking ''If at any time'' and inserting the following:

''(1) FAILURE TO MEET REQUIREMENTS.—If at any time''; and

(2) by inserting after paragraph (1), as redesignated, the following new paragraph:

''(2) UNANNOUNCED INSPECTIONS.—The Secretary, acting through the Commissioner, may conduct an unannounced inspection of a C-TPAT participant's security measures and supply chain security practices if the Commissioner determines, based on previously identified deficiencies in security measures and supply chain security practices of the C-TPAT participant, that there is a likelihood that such an inspection would assist in confirming the security measures in place and further the validation process.''.

(b) PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.—Subsection (d) of section 216 of the SAFE Port Act (6 U.S.C. 966) is amended to read as follows:

''(d) PRIVATE SECTOR INFORMATION SHARING ON SECURITY AND TERRORISM THREATS.—

''(1) IN GENERAL.—The Secretary shall promote information sharing, as appropriate, between and among the Department and C-TPAT participants and other private entities regarding—

''(A) potential vulnerabilities, attacks, and exploitations of the international supply chain; and

''(B) means and methods of preventing, responding to, and mitigating consequences from the vulnerabilities, attacks, and exploitations described in subparagraph (A).

''(2) CONTENTS.—The information sharing required under paragraph (1) may include—

''(A) the creation of classified and unclassified means of accessing information that may be used by appropriately cleared personnel and that will provide, as appropriate, ongoing situational awareness of the security of the international supply chain; and

''(B) the creation of guidelines to establish a mechanism by which owners and operators of international supply chain infrastructure may report actual or potential security breaches.''.

SEC. 203. RECOGNITION OF OTHER COUNTRIES' TRUSTED SHIPPER PROGRAMS.

Section 218 of the SAFE Port Act (6 U.S.C. 968) is amended by adding at the end the following new subsection:

''(j) RECOGNITION OF OTHER COUNTRIES' TRUSTED SHIPPER PROGRAMS.—Not later than 30 days before signing an arrangement between the United States and a foreign government providing for mutual recognition of supply chain security practices which might result in the utilization of benefits described in section 214, 215, or 216, the Secretary shall—

''(1) notify the appropriate congressional committees of the proposed terms of such arrangement; and

''(2) determine, in consultation with the Commissioner, that the foreign government's supply chain security program provides comparable security as that provided by C-TPAT.''.

SEC. 204. PILOT PROGRAM FOR INCLUSION OF NON-ASSET BASED THIRD PARTY LOGISTICS PROVIDERS IN THE CUSTOMS-TRADE PARTNERSHIP AGAINST TERRORISM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop a pilot program to determine whether allowing non-asset based third party logistics providers that arrange international transportation of freight to participate in the Customs-Trade Partnership Against Terrorism program, as described in section 211 of the SAFE Port Act (6 U.S.C. 961), would enhance port security, combat terrorism, prevent supply chain security breaches, or meet the goals of the Customs-Trade Partnership Against Terrorism established pursuant to section 211 of the SAFE Port Act (6 U.S.C. 961).

(b) REQUIREMENTS.—

(1) VOLUNTARY PARTICIPATION.—Participation by non-asset based third party logistics providers that arrange international transportation of freight taking part in the pilot program shall be voluntary.

(2) MINIMUM NUMBER.—The Secretary shall ensure that not fewer than five non-asset based third party logistics providers that arrange international transportation of freight take part in the pilot program.

(3) DURATION.—The pilot program shall be conducted for a minimum duration of one year.

(c) REPORT.—Not later than 180 days after the conclusion of the pilot program, the Secretary shall submit to the appropriate congressional committees a report on the findings and any recommendations of the pilot program concerning the participation in the Customs-Trade Partnership Against Terrorism of non-asset based third party logistics providers that arrange international transportation of freight to combat terrorism and prevent supply chain security breaches.

SEC. 205. TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL PROCESS REFORM.

(a) SENSE OF CONGRESS.—To avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is the sense of Congress that it is urgent that the Transportation Worker Identification Credential (in this section referred to as the ''TWIC'') application process be reformed by not later than

the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs.

(b) TWIC APPLICATION REFORM.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall reform the process for the enrollment, activation, issuance, and renewal of a TWIC to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

SEC. 206. EXPIRATION OF CERTAIN TRANSPORTATION WORKER IDENTIFICATION CREDENTIALS.

(a) IN GENERAL.—A valid Transportation Worker Identification Credential required under part 101.514 of title 33, Code of Federal Regulations, that was issued before the date of enactment of this Act shall not expire before the earlier of—

(1) the deadline for full implementation of a final rule issued by the Secretary for electronic readers designed to work with Transportation Worker Identification Credentials as an access control and security measure issued pursuant to the advanced notice of proposed rulemaking published March 27, 2009 (74 Fed. Reg. 58), as established by the final rule; or

(2) June 30, 2014.

(b) REVOCATION AUTHORITY NOT AFFECTED.—This section shall not be construed to affect the authority of the Secretary to revoke a Transportation Worker Identification Credential—

(1) based on information that the holder is not qualified to hold such credential; or

(2) if the credential is lost, damaged, or stolen.

SEC. 207. SECURING THE TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL AGAINST USE BY UNAUTHORIZED ALIENS.

(a) PROCESS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a process to ensure, to the maximum extent practicable, that an individual who is not lawfully present in the United States cannot obtain or continue to use a Transportation Worker Identification Credential (in this section referred to as the ''TWIC'').

(2) COMPONENTS.—In establishing the process under subsection (a), the Secretary shall—

(A) publish a list of documents that will identify non-United States citizen TWIC applicants and verify their immigration statuses by requiring each such applicants to produce a document or documents that demonstrate—

(i) identity; and

(ii) proof of lawful presence in the United States; and

(B) establish training requirements to ensure that trusted agents at TWIC enrollment centers receive training to identify fraudulent documents.

(b) EXPIRATION OF TWICS.—A TWIC expires on the date of its expiration, or in the date on which the individual to whom such a TWIC is issued is no longer lawfully present in the United States, whichever is earlier.

SEC. 208. REPORT ON FEDERAL TRANSPORTATION SECURITY CREDENTIALING PROGRAMS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report that identifies unnecessary redundancies or overlaps in Federal transportation security credentialing programs, including recommendations to reduce or eliminate such redundancies or overlaps.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

At the outset, Madam Speaker, I would like to thank Chairman MILLER for her hard work on this bipartisan legislation.

After the attacks of September 11, Congress recognized the importance of securing our Nation's ports. The SMART Port, building on the work of the SAFE Port Act from 2006, addresses new maritime security challenges as the Department's port and maritime security mission continues to evolve and grow. This legislation accomplishes this by using a risk-based framework, enhancing security measures overseas before threats reach our shores, fostering a collaborative environment between Customs and Border Patrol and the U.S. Coast Guard in sharing port security duties and leveraging our trusted allies.

This bill would extend the validity of the TWIC cards, currently set to begin expiring later this year, until the Department of Homeland Security releases the TWIC Reader Rule, which has been delayed over and over again.

This bill is the result of more than a year of close congressional oversight and scrutiny through hearings held by the Subcommittee on Border and Maritime Security. It's a good bill. I urge my colleagues to support it, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise in support of H.R. 4251, the SMART Port Security Act, and yield myself such time as I may consume.

Madam Speaker, I'm pleased that the House is meeting today to consider H.R. 4251, the SMART Port Security Act. This bill includes a number of Democratic-sponsored provisions aimed at improving our Nation's maritime security.

Representative LORETTA SANCHEZ authored a provision to strengthen the integrity of the TWIC program. Representative LAURA RICHARDSON authored language to allow port operators to use their grant funds for security provided by local law enforcement. Representative CLARKE of Michigan authored a provision relating to northern border security.

□ 1620

H.R. 4251 also includes language modeled after a bill I introduced, H.R. 1105, to relieve the Nation's port and transportation workers from the hassle and expense of renewing their 5-year TWIC cards, given that DHS has not done its job to fully implement this security program.

Specifically, section 206 of this bill will relieve current TWIC holders, the men and women who work in our ports, from being required to secure new identification cards beginning in October 2012, given that DHS has not even issued a draft rule for biometric readers.

For the full security potential of the TWIC program to be realized, there must be readers installed at ports to match the biometric cards with the individuals presenting them. Since 2007, over 2.1 million longshoremen, truckers, merchant mariners, and rail and vessel crew members have undergone extensive homeland security and criminal background checks and paid a $132.50 fee to secure TWICs.

Since H.R. 4251 was considered by the full committee, DHS has taken positive steps to address the upcoming TWIC renewal predicament. Specifically, DHS recently announced that, starting this August, workers will be eligible for a 3-year TWIC renewal card at a discounted rate and with fewer visits to the enrollment center. While this is a positive development, more must be done.

The bill before us today allows workers to continue to use their TWICs for the next 2 years, while providing an incentive for DHS to move forward on readers as soon as possible.

I insert into the RECORD a letter we received today from Transportation Trades Department, AFL–CIO, expressing their support for this bill and the provisions making commonsense changes to the TWIC program.

TRANSPORTATION TRADES DEPARTMENT, AFL–CIO,
Washington, DC, June 26, 2012.

DEAR REPRESENTATIVE: On behalf of the Transportation Trades Department, AFL–CIO (TTD), I write to express our support for H.R. 4251, the SMART Port Security Act, offered by Rep. Candice Miller (R–MI), which will be voted under suspension later today.

The SMART Port Security Act, among other things, makes needed reforms to the Transportation Worker Identification Credential (TWIC) program enrollment, activation, issuance and renewal process. Specifically, this legislation postpones the requirement of workers to renew TWIC cards in the absence of Department of Homeland Security (DHS) final regulations mandating biometric card readers.

Since the TWIC program began, over two million workers have fulfilled their obligation to enroll in the TWIC program, incurring the significant cost and time commitment to comply with the program. However, DHS has yet to issue a final rule on the biometric readers, rendering the expensive biometric component of the TWIC cards virtually useless. Despite the readers not being in place, workers will have to renew their TWIC cards beginning in October, 2012. This legislation would spare workers the financial and procedural burden of renewing their application until DHS puts the infrastructure in place to make the program fully functional.

This legislation also includes language which ensures that workers are only required to make one in-person visit to an enrollment center either for a first enrollment

or a renewal. This will lift a logistical burden for workers, many of whom may be hundreds of miles away from a TWIC enrollment facility while on the job.

Transportation workers have been asked for too long to bear the financial burden of supporting a program that is incomplete and ineffective. I urge all Members to vote for H.R. 4251.

Sincerely,

EDWARD WYTKIND,
President.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield as much time as she may consume to the author of the bill, the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly want to thank the chairman for his support of the bill, and I thank the gentleman for yielding the time as well.

Madam Speaker, I rise today in support of H.R. 4251. I'm absolutely convinced that the bill before the House today, the SMART Port Act, will tangibly enhance the Nation's maritime security.

We spend a lot of time, as a Nation, and as a Congress, focusing on security threats at the southern border and on the northern border, but sometimes we also need to remember that we have a very long maritime border that deserves our attention as well.

A major disruption at one of the Nation's ports, especially a terrorist attack, is a high-consequence event that has the potential to cripple the global supply chain and could severely damage our economy. We simply cannot afford to ignore threats to our Nation's maritime security.

To that end, SMART Port builds on the work of the 2006 SAFE Port Act to enhance risk-based security measures overseas before the threat reaches our shore. It emphasizes a stronger collaborative environment between the Customs and Border Protection and the Coast Guard in sharing port security duties, and it leverages the maritime security work of our trusted allies.

If we learned anything after 9/11, it's that we need to move from the need-to-know information to the need-to-share information. The Department of Homeland Security components with shared jurisdiction must cooperate in maritime operations and form partnerships with State and local law enforcement agencies in order to improve the Nation's maritime security.

What happens in our waterways and ports affects the entire Nation, so it is incumbent on us to realize that maritime security is not the province simply of the government alone. Leveraging partnerships with private industry, as well as our international partners, is common sense; and trusted-shippers programs, like the Customs Trade Partnership Against Terrorism, or the C-T PAT, where companies who make significant investments in their security, reduces the amount of resources that CBP needs to spend on looking at cargo shipments that we know the least about.

Our trusted allies, like Canada and the European Union, have programs similar to C-T PAT in place, and this bill supports the concept of mutual recognition where the Secretary can accept other countries' trusted-shipper programs when they provide an equal level of security. And not only does this save CBP inspectors from the added burden of having to verify companies who participate in both programs. It also really expedites commerce across our borders, and we really need to do that because of limited use of taxpayer dollars, certainly. And so it makes fiscal sense, as well, to do that.

The American port worker, truck driver, and others who make port operations run smoothly are another critical maritime security layer. They're all required to obtain the TWIC cards that the ranking member just mentioned here, and the chairman as well. These individuals have complied with the law. They've done their part. They've purchased a TWIC card. In many cases they've traveled long distances to go to the enrollment center, maybe not once but twice, and undergone the background check. But the problem is that the United States Government has not done its part.

The Department of Homeland Security has yet to release the TWIC reader rule, meaning that the biometric information embedded on the card validating the worker's identity just isn't being confirmed. And in reality, because of that, the TWIC card has become little more than an expensive ''flash pass.''

This bill will extend the validity of TWIC cards until the government upholds its end of the bargain and puts out a reader rule. The Coast Guard and TSA must produce the TWIC reader rule which is necessary to give American workers and port facilities certainty after years of delay.

As well, we should be cognizant of the fact that CBP and the United States Coast Guard cannot intrusively scan every truck, every cargo container or bulk shipment that comes into American ports. It's certainly cost prohibitive, but it would also cripple the just-in-time delivery system that the industry relies on to keep American commerce running.

Instead, I believe that the security of the supply chain is maximized through the use of a risk-based methodology, which is a key element in this bill. Smart, cost effective choices have to be made that maximize our resources while ensuring the security of our ports and, by that, our extension of our way of life.

This bill, Madam Speaker, is a step toward smarter security that encourages DHS to become more efficient, better integrated, and more closely coordinated amongst its component industry and international partners.

Again, I want to thank the chairman, Chairman KING, for his support of this bill, and Ranking Member THOMPSON of the full committee, and certainly my counterpart on the subcommittee as well, Ranking Member CUELLAR.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield as much time as she may consume to the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Madam Speaker, I rise today in support of the SMART Port Security Act, H.R. 4251. I'm a proud cosponsor of Chairwoman MILLER's legislation and commend her for her efforts on this important issue to our Nation.

At a time when media reports assume that Congress doesn't work together, I'm pleased to note that I've been able to work with Chairwoman MILLER and the committee in a bipartisan fashion to have two of my bills incorporated into the SMART Port Security Act.

As the senior member of the Homeland Security Committee, and the Representative of a district neighboring the ports of both Long Beach and Los Angeles, the largest in this country, I have made port security a priority of mine.

Ports are the first line of defense at our sea borders and serve vital national interests by supporting the mobilization and deployment of U.S. troops, facilitating the flow of trade, and supporting our economy. Ninety-five percent of all goods entering or exiting our country go through our Nation's ports, and 45 percent of those actually go through the community I represent.

In the next 20 years, U.S. overseas trade is expected to double; and in light of the terrorist attacks on September 11 in 2001, heightened awareness about the vulnerability of all modes of transportation to terrorist acts are a priority of us on this committee.

Included in the SMART Port Security Act are two pieces of legislation I authored, Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act. Both of these bills involve the use of existing port security grant funds.

The Port Security Grant Program provides funding to port authorities, facility operators, and State and local government agencies so that they can provide security services to our ports. However, prior to my introduced legislation, port security grant funds could not be used to fund statutorily mandated personnel costs.

My Port Security Boots on the Ground Act, which was incorporated into H.R. 4251, corrects this inconsistency between Port Security Grant programs and other grant funding programs. To prevent the possibility of waste, fraud and abuse, the amount of security personnel costs awarded are limited to 50 percent of the total grant amount in any fiscal year.

□ 1630

The Maritime Transportation Security Act and the SAFE Port Act authorize funds to identify vulnerabilities in port security and to ensure compliance with mandated port security

plans. My legislation made these funds workable and removed government red tape from State, local, and government entities.

I thank Chairwoman MILLER for including my Port Security Boots on the Ground Act in this important legislation.

The second inclusion that also should be highlighted is the Port Security Equipment Improvement Act, which was accepted by unanimous consent as an amendment to H.R. 4251 during the full committee markup. The Port Security Equipment Improvement Act gives recipients of Port Security Grant Program funds the flexibility in determining whether it is more cost effective to repair or replace security equipment.

I have personally heard from many port authorities in my district and from those surrounding my area about their frustrations of not being given the opportunity to purchase newer and improved security equipment. This will give the recipients of the Port Security Grant Program funds the ability to fix or replace defective security equipment, thereby making the best use of limited resources.

I appreciate Congresswoman CANDICE MILLER for working with me and for having both of my bills, the Port Security Boots on the Ground Act and the Port Security Equipment Improvement Act, included in the SMART Port Security Act legislation before us today. I look forward to continuing to work with the chairwoman, the committee and staff on protecting our ports. I urge my colleagues on both sides of the aisle to join us in supporting the SMART Port Security Act.

Mr. KING of New York. Madam Speaker, I have no further requests for time. If the gentleman from Mississippi has no further speakers, I am prepared to close once he does.

Mr. THOMPSON of Mississippi. Madam Speaker, I have no further requests for time, and I am prepared to close.

I would note that my support for the SMART Port Security Act is rooted in not only the improvements in the TWIC Program but also in what it seeks to do in order to improve the coordination and cooperation between DHS's maritime components and strengthened procurement practices. This bill is the result of a bipartisan effort to strengthen the security of America's ports and waterways and to ensure that the Department of Homeland Security's maritime security efforts are as effective and efficient as practicable.

With that, Madam Speaker, I urge the passage of H.R. 4251, and I yield back the balance of my time.

Mr. KING of New York. Madam Speaker, in closing, the SMART Port Security Act makes needed improvements to the TWIC program and supports security grants. It also encourages both the CBP and the Coast Guard to reduce redundancies and overlap, which will save taxpayer dollars.

I ask my colleagues to support the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4251, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

GAUGING AMERICAN PORT SECURITY ACT

Mr. KING of New York. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Gauging American Port Security Act'' or the ''GAPS Act''.

SEC. 2. STUDY, REPORT, AND PLAN TO ADDRESS GAPS IN PORT SECURITY.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act the Secretary of Homeland Security shall—

(1) conduct a study of, and submit to the Congress a report on, remaining gaps in port security in the United States; and

(2) include in such report a prioritization of such gaps and a plan for addressing them.

(b) FORM.—The report required under subsection (a) shall be submitted in classified form but shall contain an unclassified annex.

SEC. 3. INFORMATION SHARING.

The Secretary of Homeland Security shall, in accordance with rules for the handling of classified information, share, as appropriate, with designated points of contact from Federal agencies and State, local, or tribal governments, and port system owners and operators, relevant information regarding remaining gaps in port security of the United States, prioritization of such gaps, and a plan for addressing such gaps. In the event that a designated point of contact does not have the necessary security clearance to receive such information, the Secretary shall help expedite the clearance process, as appropriate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Madam Speaker, I yield myself such time as I may consume.

H.R. 4005, the Gauging American Port Security Act, or GAPS Act, is a commonsense bill that requires the Secretary of Homeland Security to determine if appropriate security measures to protect the Nation's ports are in place or if gaps in the security of U.S. ports exist. A lot of emphasis and attention is focused on our northern and southern land borders; however, it is important not to forget our largest border, the maritime border.

While DHS employs a layered approach to maritime and port security based on risk, it is important to examine whether gaps in the current risk-based approach exist which may have a detrimental impact on the security of our Nation's ports and global supply chain.

While DHS has come a long way in articulating the need for greater maritime cooperation through its Maritime Operations Coordination Plan and similar Interagency Operations Centers and other regional operational centers, this bill will ensure that gaps in port security are identified, allowing DHS to better execute its risk-based approach to maritime and port security.

I would like to especially thank Congresswoman JANICE HAHN for her work on this bill. I would also like to thank the contributions of the committee, and I urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4005, the Gauging American Port Security Act.

This bill, authored by Representative JANICE HAHN, who is a member of the Committee on Homeland Security, would require the Secretary of Homeland Security to conduct a study of the gaps in port security in the United States. The study, which will be submitted to Congress, must set forth the prioritization of those security gaps and a plan for addressing them.

Finally, the bill would require the Secretary of Homeland Security to share relevant port security information, as appropriate, with Federal, State and local government partners, as well as with those port owners and operators who are involved in protecting ports.

Given the importance of America's ports and waterways to our Nation and its economy, they are an attractive target for terrorists and criminals. The

impact of a terrorist attack on a major port would be catastrophic—with massive economic losses in addition to the probable loss of life. By requiring a comprehensive assessment of port security vulnerabilities and a plan for addressing them, we will be one step closer to making our ports and our Nation more secure.

With that, Madam Speaker, I reserve the balance of my time.

Mr. KING of New York. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. POE), who is co-chair of the Port Security Caucus, along with Congresswoman HAHN.

Mr. POE of Texas. I thank the gentleman from New York for yielding and for his work on this legislation.

I also want to thank subcommittee Chairwoman MILLER for her work on this legislation. Both see the need to fix the gaps that are in our port security.

I want to thank the gentlelady from California (Ms. HAHN), who introduced this legislation. We are both alumni from the same school. I'm sure you've heard of it, Abilene Christian University in West Texas. The closest port to Abilene, I guess, is a boat dock at Fort Phantom Lake, if you want to call that a port.

But anyway, this bill is a good example of bipartisan work—of both sides of the House—on an issue that is important to all of us: security. This means national security and port security.

Congresswoman HAHN and I recently founded the Congressional Ports Caucus to raise awareness about ports in Congress and in our Nation. She represents west coast ports, and I represent ports in southeast Texas, on the gulf coast. We saw a need for a national discussion about ports because of their importance to the Nation and to our economy. Since we both have ports in our backyards, that is the reason the caucus was formed. We have over 65 Members in both parties from all regions across the United States. Some Members don't even have ports in their districts, but all see that ports are a national security issue.

One discussion we hope to continue through the caucus is the need to ensure that our ports are safe and secure. In meeting with industry groups and administration officials, it became evident to us that an updated plan on how ports should remain operational in the event of an attack really doesn't exist. There are gaps in our port security. The GAPS Act is an important step in addressing this existing problem in port security.

Any attack on our Nation's ports would be detrimental to the economy because ports play a large role in facilitating the flow of commerce. Most of the products in our stores arrive through ports and then are transported by other means to stores throughout the Nation. A crisis event causing a port to shut down would greatly affect our national commerce—money would be lost; businesses would lose revenue; and people would be out of work.

□ 1640

Both the chairman and ranking member of the Homeland Security Committee support this legislation, and I'm grateful for that. I urge all of our colleagues on both sides of the aisle to support this legislation. Port security is not a partisan issue; it's a national security issue that we all should be concerned about.

Mr. THOMPSON of Mississippi. Madam Speaker, I yield such time as she may consume to the gentlewoman from California, a member of the Committee on Homeland Security and the original sponsor of H.R. 4005, Ms. HAHN.

Ms. HAHN. Madam Speaker, I would like to begin by recognizing and thanking Chairman KING and Ranking Member THOMPSON for their continued leadership on this incredibly important issue.

The lessons of 9/11 have taught us we must be continuously vigilant and proactive in seeking out and preventing our country's most pressing threats. That's why, after 9/11, this Congress strengthened what proved to be one of our Nation's biggest security threats up to that point: aviation security. And while I applaud the great strides we've made in aviation security, we have not made the same level of improvements in port security.

This was such a priority for me when I came to Congress last summer that, at my very first Homeland Security hearing focusing on the 9/11 Commission's recommendations to Congress, I asked Lee Hamilton, the vice chairman of the 9/11 Commission, What should Congress be doing to improve security at our Nation's ports? He responded by saying, My judgment would be that we have not focused enough on ports.

This lack of focus on our ports not only jeopardizes our national security, but our economic security as well. The U.S. ports remain one of our country's greatest economic resources, as they provide our Nation with the link to the rest of the world and the global economy. Each day, U.S. ports move both imports and exports, totaling some $3.8 billion worth of goods, through all 50 States. Additionally, ports move 99 percent of overseas cargo volume by weight and generate $3.95 trillion in international trade.

However, port security does much more than protect American commerce; it also protects American jobs. According to the American Association of Port Authorities, the U.S. port industry supports 13.3 million jobs and accounts for more than $649 billion in personal income. That's why I was pleased to cofound the bipartisan Congressional PORTS Caucus with my good friend and fellow alumnus, TED POE, in order to ensure that Congress recognizes the vital role ports play in our national economy and the importance of keeping them competitive and secure.

Despite all this, ports have failed to garner the attention I think they deserve. For instance, in the U.S., tens of thousands of ships each year make over 50,000 calls on U.S. ports. The volume of traffic gives terrorists opportunities to smuggle themselves or their weapons into the United States with little risk of detection. According to a recent CRS report, a 10- to 20-kiloton weapon detonated in a major seaport would kill 50,000 to 1 million people and would result in direct property damage of $50 billion to $500 billion, losses due to trade disruption of $100 billion to $200 billion, and indirect costs of $300 billion to $1.2 trillion.

Congress attempted to address this issue by passing the SAFE Port Act in 2006 and the 9/11 Commission Act of 2007, which specifically required that 100 percent of the cargo coming into our ports be scanned by this summer. Unfortunately, DHS has made little progress in achieving this goal and does not plan to implement it. In fact, we've recently learned that DHS has only been scanning about 3 percent to 5 percent of all the cargo imported into our United States.

Now, while the feasibility of scanning 100 percent of incoming cargo may be a legitimate concern, there certainly needs to be improvement from where we are now. Whether it's increasing the number of Customs and Border Protection officers or investing in proven cargo scanning technology, there needs to be a plan for effectively and efficiently scanning our Nation's cargo.

Another major vulnerability is the threat posed to vessels during their voyage at sea. For example, cargo is often checked either before it's shipped or after it reaches our shore. However, there has not been much light shed on the specific threats that exist between a vessel's point of origin and its point of destination.

We also need to know more information about how fast a port could recover in the event of a terrorist attack or a national disaster if that did occur at one of our ports.

Without resolving these issues, we risk putting our economy and the safety of the American people at risk.

As a Member whose district borders one of the largest port complexes in the country, I understand the unique security challenges that ports pose to our economic and national security. My district borders the port complex of Los Angeles-Long Beach, which is responsible for approximately 44 percent of all the goods that flow into this country and 20 percent of the Nation's GDP.

During a 10-day lockout in 2002, which arose because of a dispute between labor and management officials, closure of the west coast ports cost the United States between $1 billion to $2 billion a day. If an attack were to occur there, it would be economically debilitating not only for my district, but for the entire country, as well.

While DHS has made a number of positive steps in strengthening port security and resiliency, the lack of attention on these vital issues creates a

huge problem for securing our ports. We cannot begin to come up with an effective solution without first knowing the extent of the actual problem.

The economic importance of our Nation's ports, combined with the existing port security loopholes, is why I introduced the GAPS Act. This bill will require the Secretary of the Department of Homeland Security to conduct a classified study of the potential gaps in port security and ensure that the Department develops a comprehensive plan for addressing these vulnerabilities. By focusing on the specific dangers that threaten our port security, we can begin, I believe, to develop effective solutions to ensure that our Nation is prepared.

Again, I want to thank Chairman KING and Ranking Member THOMPSON for their leadership on this issue, my Congressional PORTS Caucus cofounder, TED POE, for recognizing the importance of our ports.

I would like to point out that this bill went through regular order and is supported by both Democrats and Republicans on an issue that I know we all care about. I urge my colleagues to support this important bipartisan legislation.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no more speakers. If the gentleman from New York has no more speakers, then I am prepared to close.

Mr. KING of New York. This bipartisan bill is a good bill. I urge my colleagues to support it. It builds very strongly on the initial port security bill of 2006 that was sponsored by Mr. LUNGREN, who is here today, and Jane Harman, who was also in Congress at that time. It was a very good bill. This adds to it, improves on it, and it keeps up with the changes in the times.

I urge its adoption, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, our Nation's ports are as diverse as the people they serve. The importance of this infrastructure to the global supply chain cannot be overstated.

Enactment of H.R. 4005 will help ensure that our limited security resources can be targeted to those threats that put our ports at the greatest risk.

With that, Mr. Speaker, I urge the passage of H.R. 4005, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to support H.R. 4005, the ''Gauging American Port Security'' or GAPS Act. This act will direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States as well as provide plans to address them.

As a senior Member of the Homeland Security Committee, I know that the threats against the nation are constantly changing and ever present. Ensuring the safety and security of our ports is a measure that will directly address some of these threats and maintain the economic well-being of our port system.

Over 11 million cargo containers arrive in our ports each year, bringing in imports from across the world. By placing these additional measures on the Department of Homeland Security, we are enabling ports to conduct business without fear that these daily imports are a threat to national security. As a representative from the 18th Congressional District of Houston, I represent one of the world's busiest ports. Houston is linked to 1,053 ports in 203 countries through about 100 steamship lines. The ship channel is a part of the Gulf Intracoastal Waterway, which is a very busy barge traffic lane. Houston is also one of only eight U.S. cities to have a regional office of the U.S. Export-Import Bank.

The Port of Houston is essential to regional economic stability. A 2012 study by Martin Associates reports the port helps provide 1,026,820 jobs throughout Texas, which is an increase of 785,000 jobs in its 2007 study. The port brings in more than $178.5 billion a year, including over $4.5 billion in state and local tax revenues.

In addition, the Port of Houston also boasts the nation's largest petrochemical complex. Houston is known as a gateway for cargo traveling to the West and Midwest regions of our nation.

Although the Port is integral to Houston's development, as well as to the nation's economic development, its financial strength is not possible without strong security measures in place.

The heavy traffic flow of imports and exports that come through the port each day can leave room for drug trafficking and terrorists activities to take place. Although the Port of Houston, and ports across the U.S. boasts that they are secure and in line with nationally mandated security measures, it is my hope that the GAPS act will address any and all individual security shortcoming that each port may face that make them vulnerable to attacks against the Homeland.

The Port of Houston and the majority of ports across the nation have a remarkable track record of accomplishments that I hope to see continue. But their economic success and efficiency will only be hindered without additional security measures in place. This is why I urge my colleagues to support the provisions of H.R. 4005.

The SPEAKER pro tempore (Mr. FITZPATRICK). The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 4005, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

□ 1650

AVIATION SECURITY STAKEHOLDER PARTICIPATION ACT OF 2012

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1447) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1447

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Aviation Security Stakeholder Participation Act of 2012''.

SEC. 2. AVIATION SECURITY ADVISORY COMMITTEE.

(a) IN GENERAL.—Subchapter II of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

''§ 44946. Aviation Security Advisory Committee

''(a) ESTABLISHMENT.—The Assistant Secretary shall establish within the Transportation Security Administration an advisory committee to be known as the Aviation Security Advisory Committee.

''(b) DUTIES.—

''(1) IN GENERAL.—The Advisory Committee shall be consulted by and advise the Assistant Secretary on aviation security matters, including the development and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security.

''(2) RECOMMENDATIONS.—

''(A) IN GENERAL.—The Advisory Committee shall develop, at the request of the Assistant Secretary, recommendations for improvements to aviation security.

''(B) RECOMMENDATIONS OF WORKING GROUPS.—Recommendations agreed upon by the working groups established under this section shall be approved by the Advisory Committee for transmission to the Assistant Secretary.

''(3) PERIODIC REPORTS.—The Advisory Committee shall periodically submit to the Assistant Secretary—

''(A) reports on matters identified by the Assistant Secretary; and

''(B) reports on other matters identified by a majority of the members of the Advisory Committee.

''(4) ANNUAL REPORT.—The Advisory Committee shall submit to the Assistant Secretary an annual report providing information on the activities, findings, and recommendations of the Advisory Committee, including its working groups, for the preceding year.

''(c) MEMBERSHIP.—

''(1) APPOINTMENT.—

''(A) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Assistant Secretary shall appoint the members of the Advisory Committee.

''(B) COMPOSITION.—The membership shall consist of individuals representing not more than 27 member organizations. Each organization shall be represented by one individual (or the individual's designee).

''(C) REPRESENTATION.—The membership shall include representatives of air carriers, all cargo air transportation, indirect air carriers, labor organizations representing air

carrier employees, aircraft manufacturers, airport operators, general aviation, privacy, the travel industry, and the aviation technology security industry, including biometrics.

''(2) REMOVAL.—The Assistant Secretary may review the participation of a member of the Advisory Committee and remove the member for cause at any time.

''(3) PROHIBITION ON COMPENSATION.—The members of the Advisory Committee shall not receive pay, allowances, or benefits from the Government by reason of their service on the Advisory Committee.

''(4) MEETINGS.—The Assistant Secretary shall require the Advisory Committee to meet at least semiannually and may convene additional meetings as necessary.

''(d) AIR CARGO SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an air cargo security working group to provide recommendations on air cargo security issues, including the implementation of the air cargo security programs established by the Transportation Security Administration to screen air cargo on passenger aircraft and all-cargo aircraft in accordance with established cargo screening mandates.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding air cargo security to the Advisory Committee for inclusion in the annual report. The submissions shall include recommendations to improve the Administration's cargo security initiatives established to meet the requirements of section 44901(g).

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in air cargo operations; and

''(B) be cochaired by a Government and industry official.

''(e) GENERAL AVIATION SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee a general aviation working group to provide recommendations on transportation security issues for general aviation facilities, general aviation aircraft, and helicopter operations at general aviation and commercial service airports.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding aviation security at general aviation airports to the Advisory Committee for inclusion in the annual report.

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in general aviation; and

''(B) be cochaired by a Government and industry official.

''(f) PERIMETER SECURITY WORKING GROUP.—

''(1) IN GENERAL.—The Assistant Secretary shall establish within the Advisory Committee an airport perimeter security working group to provide recommendations on airport perimeter security and access control issues.

''(2) MEETINGS AND REPORTING.—The working group shall meet at least quarterly and submit information, including recommendations, regarding improving perimeter security and access control procedures at commercial service and general aviation airports to the Advisory Committee for inclusion in the annual report.

''(3) MEMBERSHIP.—The working group shall—

''(A) include members of the Advisory Committee with expertise in airport perimeter security and access control issues; and

''(B) be cochaired by a Government and industry official.

''(g) NONAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Advisory Committee or its working groups.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) ADVISORY COMMITTEE.—The term 'Advisory Committee' means the Aviation Security Advisory Committee to be established under subsection (a).

''(2) ANNUAL REPORT.—The term 'annual report' means the annual report required under subsection (a).

''(3) ASSISTANT SECRETARY.—The term 'Assistant Secretary' means the Assistant Secretary of Homeland Security (Transportation Security Administration).

''(4) PERIMETER SECURITY.—The term 'perimeter security'—

''(A) means procedures or systems to monitor, secure, and prevent unauthorized access to an airport, including its airfield and terminal; and

''(B) includes the fence area surrounding an airport, access gates, and access controls.''.

(b) CLERICAL AMENDMENT.—The analysis for such subchapter is amended by adding at the end the following:

''44946. Aviation Security Advisory Committee.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2012. I commend Ranking Member THOMPSON for his dedicated work in this area.

The FAA established the Aviation Security Advisory Committee in 1989 following the bombing of Pan American World Airways Flight 103. When TSA was created, the sponsorship of ASAC transferred to TSA, and it continued to provide a mechanism for industry and other outside stakeholders to inform the Federal Government's decisionmaking on aviation security matters.

Despite its important contributions to security, TSA allowed the ASAC's charter to expire. Last year, TSA revived the ASAC with the strong support of industry. Homeland Security Secretary Napolitano subsequently appointed 24 new ASAC members.

H.R. 1447 simply codifies the ASAC, which exists today, and ensures that it remains intact, providing necessary stakeholder guidance to TSA. It establishes important working groups focused on air cargo, general aviation, and airport perimeter security, all of which have unique challenges that require a collaborative effort to solve.

In these difficult economic times, it is essential for TSA to get the input of stakeholders on security procedures and technology to ensure that it is spending its limited resources on initiatives that will enhance security for the traveling public without compromising the freedom of people and goods to move freely.

I urge the adoption of this bipartisan bill, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1447, the Aviation Security Stakeholder Participation Act. Mr. Speaker, effective coordination between stakeholders and their regulators is critical to the implementation of policies that work. To that end, we have the responsibility to ensure that policy is informed by the realities on the ground. Arguably, nowhere is the need for policy coordination more important than at our Nation's airports.

Given that the aviation sector remains an attractive target for terrorists, the difference between a security policy that works and one that does not can be all that stands between life and death.

That is why I introduced H.R. 1447, the Aviation Security Stakeholder Participation Act. This legislation will ensure that the voices of those subject to policies and protocols put in place by TSA are heard and their recommendations are considered. It does so by directing the TSA to establish an Aviation Security Advisory Committee.

For years, such an advisory committee existed and worked effectively with TSA on matters such as aviation security methods, equipment, and procedures. For instance, in 2003, the ASAC's cargo working group, which included the Cargo Airline Association, made recommendations that formed the basis of TSA's program for 100 percent screening of air cargo. Unfortunately, during the last administration, the charter for this advisory committee was allowed to lapse, and the committee ceased operations.

While I am pleased that in response to my bill, the Obama administration reestablished this committee on its own authority, I strongly believe that it is critical that the Aviation Security Advisory Committee be codified in law to ensure that TSA's aviation security policy continues to be informed by the private sector. That is why my bill would, for the first time, establish the Aviation Security Advisory Committee in statute and require representatives from up to 27 member organizations participate.

I introduced H.R. 1447 in April of 2011, with the ranking member of the Transportation Security Subcommittee of the Committee on Homeland Security, Representative JACKSON LEE. It was favorably reported on a bipartisan basis in November 2011.

TSA has the responsibility to secure the American public from threats posed to our transportation sector. However, it cannot do so in a vacuum. TSA must leverage technical and operational expertise from our Nation's airports to deliver a collaborative and robust security system across our aviation sector. Strong partnerships with aviation stakeholders are critical to informing aviation security policy.

Just last month, the committee received testimony from the Airport Minority Advisory Council about arbitrary limitations set forth by TSA on the issuance of airport worker badges to airport-based small businesses, like newsstands, coffee, and souvenir shops. Since then, TSA has committed to reevaluate the policy and work with the private sector to address the concerns raised.

This is just one example of how a TSA policy—developed without input from the advisory committee—was not informed by economic realities. Now TSA is in the position of having to revisit this and other ill-informed policies to ensure that they enhance security in a manner that does not unduly burden the private sector.

My bill also directs the administrator of TSA to establish three targeted working groups to address the unique homeland security challenges related to air cargo security, general aviation security, and perimeter security.

Mr. Speaker, all of us have a stake in ensuring the security of our Nation. Let us pass this bill so that stakeholders who are expected to comply with the policies and procedures developed by TSA have a seat at the table. That way, we can be confident that TSA's policies are both effective from the security standpoint and address the economic and commercial realities of our Nation's airports.

Before reserving the balance of my time, Mr. Speaker, I would like to engage in a brief colloquy with the gentleman from New York, the chairman of the Committee on Homeland Security, Mr. KING.

Mr. Speaker, as this bill has made its way to the House floor, the chairman and I have been engaged in ongoing dialogue over how to strike the right balance on who should be represented on the Aviation Security Advisory Committee. I am dedicated to ensuring that the voices of passengers and small and minority-owned businesses impacted by TSA's policies, procedures, and regulations are heard. It is important persons representing those groups have a seat at the table when TSA makes decisions that affect both passengers' rights and businesses' bottom line.

With that, Mr. Speaker, I yield to the gentleman from New York for his assurance that as this bill continues its movement through the legislative process, he will work with me to ensure these important populations are included in this Aviation Security Advisory Committee legislation.

Mr. KING of New York. Mr. Speaker, I thank the ranking member for yielding.

I agree to work with him moving forward to ensure that this issue is addressed in a manner to ensure this participation.

Mr. THOMPSON of Mississippi. I thank the gentleman from New York for his commitment.

I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I have no further requests for time. If the gentleman from Mississippi has, no further requests for time, I am prepared to close, once the gentleman does.

Mr. THOMPSON of Mississippi. Mr. Speaker, I have no further requests for time. Since the gentleman from New York is prepared to close, I also am prepared to close.

I would like to express my gratitude to all the members of the Committee on Homeland Security for their unanimous support of this legislation when it was considered by the committee last September.

□ 1700

While the Committee on Homeland Security has not been as active on the legislative front as I had hoped it would be this Congress, I am pleased that several discrete bills introduced by both Democrats and Republicans have received bipartisan support on the House floor during the last month.

Mr. Speaker, I urge all my colleagues to vote ''aye'' on the Aviation Security Stakeholder Participation Act, and I yield back the balance of my time.

U.S. TRAVEL ASSOCIATION,
June 25, 2012.

Hon. PETER KING,
Chairman, House Committee on Homeland Security, Washington, DC.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN KING AND RANKING MEMBER THOMPSON: On behalf of the U.S. Travel Association, I write in strong support of H.R. 1447, the ''Aviation Security Stakeholder Participation Act of 2011'', which is on the House of Representatives suspension calendar for tomorrow, June 26.

As you know, H.R. 1447 reconstitutes and codifies the Aviation Security Advisory Committee (ASAC), provides the Department of Homeland Security (DHS) and the Transportation Security Administration (TSA) with an updated vision for engaging aviation security stakeholders and, importantly, updates the categories of organizations considered for ASAC membership. The bill will help to strengthen aviation security, assist in the development of a more efficient passenger screening process, and enhance the existing relationship between TSA and the travel industry.

Restarting the ASAC was a key recommendation of our report on aviation security, titled ''A Better Way'', which sets out a clear path for improving the TSA passenger screening process.

Thank you for your support of this legislation, and we look forward to working with you on the many aviation security issues facing our nation's commercial aviation passengers.

Sincerely,

ROGER J. DOW,
President and CEO.

JUNE 25, 2012.

Hon. BENNIE THOMPSON,
Ranking Member, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the members of the Cargo Airline Association, I am writing to thank you for the introduction of H.R. 1447, the Aviation Stakeholder Participation Act. This Bill would require the re-establishment of an Aviation Security Advisory Committee (ASAC) to facilitate communications between the Transportation Security Administration (TSA) and the aviation industry.

Historically, the ASAC formed the basis of major initiatives, with industry members working closely with Government Agencies to address a variety of security-related issues. These issues have been traditionally discussed in various Working Groups established under the ASAC umbrella. A prime example of the utility of this structure was the establishment of three air cargo Working Groups formed to develop proposed new regulations to address air cargo security threats after the September 11, 2001, attacks. The recommendations of these Working Groups eventually formed the basis of an entirely new TSA air cargo regulatory scheme. Unfortunately, the ASAC charter expired several years ago and today no government-industry advisory committee exists.

H.R. 1447 would correct this problem and contains a mandate, not only for ASAC itself, but also for various Working Groups that would address the key issues of the day. This re-establishment of ASAC is long overdue and we support your efforts. Please do not hesitate to contact us if you have any questions.

Sincerely yours,

STEPHEN A. ALTERMAN,
President.

AIRPORTS COUNCIL INTERNATIONAL,
June 25, 2012.

Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR RANKING MEMBER THOMPSON: On behalf of the Airports Council International—North America (ACI–NA), which represents 334 local, regional, and state governing bodies that own and operate commercial airports throughout the United States, I am pleased to offer our endorsement of H.R. 1447, the Aviation Security Stakeholder Participation Act of 2011.

Airport operators have long advocated for the Transportation Security Administration (TSA) to re-establish the Aviation Security Advisory Committee (ASAC). The ASAC allowed aviation stakeholders, including airport operators to advise TSA on aviation security policies, programs, rulemakings and security directives pertaining to aviation security. H.R. 1447 would allow the ASAC once again to provide valuable input into TSA's proposed rules, security directives and aviation security programs which help protect airports, airlines and their passengers.

Again, thank you for your continued support of airport operators and on recognizing the value of having stakeholder input into

aviation security programs and TSA regulations. We look forward to working with you on the passage of H.R. 1447.

Sincerely,

GREG PRINCIPATO,
President, Airports Council International—North America.

Mr. KING of New York. Mr. Speaker, the private sector is a vital partner in transportation security, and the ASAC ensures that industry has a seat at the table as the government works to make our homeland more secure.

I urge the adoption of this bipartisan bill, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1447, ''Aviation Security Stakeholder Participation Act of 2011.'' Currently the Transportation Security Administration's (TSA's) Aviation Security Advisory Committee advises the Assistant Secretary of Homeland Security on issues related to aviation security. This bill:

(1) authorizes the existence of the Aviation Security Advisory Committee,

(2) ensures key stakeholders with first knowledge of the security challenges our aviation system faces have a voice when TSA is considering implementing security policies and

(3) establishes specific working groups to address cargo, perimeter and general aviation.

I firmly believe that more can be done to protect and improve upon the security of our Nation's airways which is why I have consistently introduced legislation to improve our Nation's defense against security threats. The District I represent in Houston, Texas is home to two of the world's busiest airports, and the Johnson Space Center. Air transportation in the Houston metro area is about 30% above the national average and in Texas, the aviation industry employs nearly 200,000 people. We need to ensure that all cargo flight operations are secure, protect aircraft from laser attacks, and implement a threat-based security system.

Because of the necessity of H.R. 1447's implications, it already has the support of the U.S. Travel Association, Cargo Airline Association and the Airports Council International—North America. In addition it has received the unanimous support of the Committee on Homeland Security.

Mr. Speaker, these entities and the Homeland Security Committee recognize it is imperative to continue to ensure to strengthen the aviation industry's effort to make sure all travelers and cargo are safe traveling within and through the United States.

Enhanced security protects our economic interests: air cargo is over a $60 billion industry, and according to the International Air Transport Association, transports 35% of the value of goods traded globally. More importantly, implementing this bill will protect our citizens. Well trained employees and representatives are essential in recognizing suspicious activity and people that want to endanger our travelers.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 1447, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. KING of New York. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY

Mr. KING of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5843) to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5843

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF GRANT FUNDS FOR PROJECTS CONDUCTED IN CONJUNCTION WITH A NATIONAL LABORATORY OR RESEARCH FACILITY.

Section 2008(a)(2) of the Homeland Security Act of 2002 (6 U.S.C. 609(a)(2)) is amended by inserting ''training conducted in conjunction with a national laboratory or research facility and'' after ''including''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. KING) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. KING of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KING of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill, introduced by Mr. LUNGREN, is a simple statutory clarification that allows State and local governments and emergency management officials to use existing FEMA State Homeland Security Grant Program and Urban Area Security Initiative funds to work with national labs where appropriate.

H.R. 5843 amends the Homeland Security Act of 2002 by inserting a clarification into the ''allowable use'' section of the Homeland Security Grant Program section. Clarifying this ''allowable use'' under the grants program will allow these State and local first responders to leverage the expertise at national labs for research and training purposes.

This is a simple, solid, good government measure that will help maximize the use of limited Federal grant dollars. This bill will allow State and local officials to cut through FEMA red tape, which makes it harder for first responders to work with the Federal national labs and make the best decisions for their homeland security needs. This bill will eliminate hoops that State and locals have to go through to gain access to this expertise and training.

Mr. Speaker, I thank the gentleman from California (Mr. LUNGREN) for his work on this issue and so many others on the committee.

I urge passage of the bill. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm perplexed that the House is considering H.R. 5843 today. I cannot understand why this bill is on the schedule. It was introduced just over a month ago and has not been vetted by the committee. Why are we giving expedited attention to a bill that has just two cosponsors, both of whom are Republican? Whatever the problem it purports to solve has not been the subject of so much as a Member-level briefing, let alone a hearing or a markup.

Section 208(a)(13) of the Homeland Security Act already allows the Department to approve the spending of grant funds on training by national labs. Without so much as a hearing where the committee can take testimony on this matter, it is hard to justify taking up precious House floor time on this bill, especially in a week where we must take urgent action on Pell Grants and highway funding. So instead, I choose to use this time to discuss the dwindling Federal support for homeland security activities, a far more timely concern for State, local, and tribal authorities than H.R. 5843.

In the wake of the September 11 attack, as a government, we committed to safeguarding our homeland by building and preserving preparedness capabilities. Yet since the beginning of the 112th Congress, that commitment seems to have dangerously wavered.

In just 2 short years, vital Homeland Security Grant Programs have been significantly cut, and, as a result, the level of preparedness fostered by the programs, such as the Urban Areas Security Initiative, Port Security Grant Program, Transit Security Grant Program, and the Metropolitan Medical Response System, have been undermined. Given that the authorizations for many of these targeted programs are expiring, a far better use of our time would be to reauthorize the Transit Security Grant Program or the Metropolitan Medical Response program.

Mr. Speaker, before I reserve my time, I would note for the record that there are two other much more plausible candidates for consideration by the full House that were introduced by the gentleman from California. One addressed the cybersecurity threat and was ordered reported in April. The other authorizes DHS's chemical facility security program and is pending on the Union Calendar.

Mr. Speaker, speaking of the Union Calendar, I would also note that this bill is receiving expedited consideration while four measures ordered reported by the Committee on Homeland Security remain on the Union Calendar without action.

Mr. Speaker, I reserve the balance of my time.

Mr. KING of New York. Mr. Speaker, I am proud, at this time, to yield such time as he may consume to the distinguished gentleman from California (Mr. LUNGREN), who is chairman of the Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies; and during his time on the committee has contributed as much as, if not more than, any other Member, and, in fact, returned to Congress for the purpose of doing all he could to enhance our homeland security.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

I might say that this should not be a surprise bill to anybody. This is actually a part of the authorization bill that we already worked on. It has come about as a result of the fact of complaints from local jurisdictions that they were unable to utilize funds in a way that they thought was most effective.

This bill would simply permit recipients of certain FEMA grants to use this funding for training and exercises conducted in conjunction with a national lab or Federal research facility. There's no additional cost. The CBO report shows there's no additional cost. In other words, the bill expands the allowable use of FEMA grants and ensures that emergency managers, first responders, and local governments can use these grant dollars to leverage the expertise of our national labs and research facilities.

We have had plenty of hearings on the viability of our national labs and research facilities and the fact that we need to leverage more, in these tough budget times, their expertise to help us come up with solutions and prepare, among others, first responders to the challenges that we face in these times. With fewer grant dollars available, it's important that State and local governments be able to use them for the greatest public benefit.

As we all know, State and local governments everywhere are also operating under severe budget limitations, and increasing the allowable use of FEMA grants helps these cash-strapped governments to address their emergency needs. Using our existing national assets for training and research is another way to efficiently leverage the scientific expertise available at these facilities.

I just want to correct the record. This is not just cosponsored by two other Members, both of whom are Republicans. It is cosponsored by Representative STARK from California and Representative LUJÁN from New Mexico. In addition, on the Republican side, Mr. TURNER from New York, Mr. LONG from Missouri, Mr. MARINO from Pennsylvania, Mr. BILIRAKIS from Florida, and Mr. KING from New York.

□ 1710

We have heard not only from entities in the State of California, but I believe also in New York and New Jersey about concerns that they were unable to use their grants in the most efficient way, and absent a clarification of statutory language, FEMA was not going to allow them to participate in this way.

Now, some would ask what examples might we have of how these funds might be used. I will just use my home State of California. The Naval Postgraduate School, which is a Federal entity in Monterey, provides unique training to State and local officials through its Center for Homeland Defense and Security. The Lawrence Livermore Laboratory is a government-owned, contract-operated facility managed through a contract between the Laboratory Board of Governors and DOE's National Nuclear Security Administration. These national labs can provide a myriad of research and technical support to programs that support State and local emergency responders, things such as risk analysis and security systems evaluation. And just another example, the Navy Space and Naval Warfare Systems Command in San Diego has substantial capability and interest in helping emergency responders with communications and nuclear detention.

So we are responding in as quick a fashion as we can to complaints that we've heard from local jurisdictions that they were unable to use their FEMA grants in the most effective way in leveraging, as I say, the expertise, the unique expertise of national labs and Federal research facilities. That is the purpose of this legislation. It is a very simple, a one-sentence clarification of the underlying statute. I would hope that we have unanimous support for this bill.

Mr. THOMPSON of Mississippi. Mr. Speaker, I'm prepared to close. I don't have any more speakers.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, Mr. KING had to leave, and I ask unanimous consent that I control the time of Representative KING.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time.

There was no objection.

Mr. THOMPSON of Mississippi. Mr. Speaker, we owe it to our Nation's first responders to ensure that they have the resources needed to perform their jobs and to get it right when we alter the allowable uses for those funds. Getting it right in this body requires deliberation and debate in the committee of jurisdiction.

Unfortunately, Mr. Speaker, the bill we are considering today failed to receive such deliberation or debate. Therefore, it is hard to say whether it is responsive to the needs of first responders. What I can say for a fact is reauthorizing key Homeland Security grant programs would bolster preparedness and be responsive to the needs of our first responders.

And with that, Mr. Speaker, I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, this is a simple bill responding to a simple problem. Actually, this bill undoes redtape that ought not to be there. It leverages the best assets of the Federal Government, working with our first responders in our local communities in ways that they asked us to try and deal with the problem. It's not a fancy bill. It is a simple bill. It is straightforward. And, therefore, I ask for a unanimous vote on this from my colleagues, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, H.R. 5843.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

TRANSPORTATION WORKER IDENTIFICATION PROCESS REFORM ACT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3173) to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) United States workers employed at nearly 2,600 marine facilities and onboard nearly 13,000

United States-flag vessels are required to carry a Transportation Worker Identification Credential (TWIC) under the Maritime Transportation Security Act of 2002 (MTSA). Department of Homeland Security (DHS) regulations require merchant mariners who hold a Coast Guard-issued Merchant Mariner Credential (MMC) and individuals who require unescorted access to secure areas of MTSA-regulated vessels and facilities to carry a TWIC.

(2) To date, nearly two million transportation workers have applied for and received a TWIC. Applicants must pay $132.50 to obtain the TWIC, and make two or more trips to an enrollment center to apply for, and then to pick up and activate, their TWIC.

(3) A TWIC is valid for a maximum of five years, at which time the cardholder must request issuance of a new card. This process requires workers to make an additional two or more trips to the enrollment center and again pay $132.50 to receive a new card.

(4) In addition to the cost of the card, workers face the burden of making two or more time-consuming and often expensive round trips to a TWIC enrollment center. In many instances, the nearest enrollment center is hundreds of miles from a worker's home.

(5) The TWIC enrollment process requiring two or more round trips to an enrollment center is not mandated by statute or by regulation. The process is driven by a DHS policy decision to align the requirements for TWIC issuance with standards for Personal Identity Verification (PIV) for Federal employees and contractors. These standards are contained in Federal Information Processing Standard Publication 201 (FIPS–201).

(6) While DHS has made the policy decision to generally align the TWIC enrollment process with the FIPS–201 standard, the Department may elect to deviate from this standard in instances where it believes an alternative approach is more appropriate for the TWIC program.

(7) Unlike other Government-issued credentials that adhere to the FIPS–201 standard, the TWIC is effectively a work permit for a highly-mobile private sector workforce.

(8) Possession of a TWIC does not allow a TWIC holder to gain unescorted access to secure areas of MTSA-regulated vessels and facilities unless the TWIC holder is authorized to do so under a Coast Guard-approved vessel or facility security plan.

(9) DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment and issuance that does not require applicants to make multiple trips to a TWIC enrollment center.

(10) Other secure Government-issued identity documents, including United States passports, can be distributed to applicants by mail.

(11) Congress mandated the issuance of a final rule setting forth requirements for TWIC biometric readers no later than two years after the TWIC pilot began, which would have been August 2010; such a final rule has to date not been issued.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) to avoid further imposing unnecessary and costly regulatory burdens on United States workers and businesses, it is urgent that the TWIC application process be reformed by not later than the end of 2012, when hundreds of thousands of current TWIC holders will begin to face the requirement to renew their TWICs;

(2) the Secretary of Homeland Security should promulgate final regulations that require the deployment of TWIC readers as soon as practicable, in order to ensure the TWIC program realizes its intended security purpose; and

(3) funds, which have been awarded under the Port Security Grant Program for the purpose of funding TWIC projects, shall not expire before the issuance of the final TWIC reader rule.

SEC. 3. TWIC APPLICATION REFORM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Homeland Security shall reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center except in cases in which there are extenuating circumstances, as determined by the Secretary, requiring more than one such in-person visit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DANIEL E. LUNGREN) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3173 requires the Secretary of Homeland Security to reform the process for issuing the Transportation Worker Identification Credential, known as TWIC, to require not more than one in-person visit to an enrollment center except in cases with extenuating circumstances. The need for more than one trip to an enrollment center is not mandated by statute or regulation, but currently by DHS policy. Given that other very important security documents are mailed to people, including the U.S. passport, there is no doubt that the Federal Government can develop secure procedures for delivering TWIC documents to workers.

DHS has the statutory authority and regulatory flexibility to develop an alternative process for TWIC enrollment to ease the burden on transportation workers. The Secretary of Homeland Security should reform the TWIC process before the end of 2012 when the first TWICs issued in 2007 will need to be renewed and allow applicants to complete the process in only one in-person visit.

I would like to thank Congressman STEVE SCALISE for the commonsense bill and urge my colleagues to support it.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3173, and I yield myself such time as I may consume.

Mr. Speaker, this measure directs the Department of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential, or TWIC, to require not more than one in-person visit to an enrollment center to obtain a credential. I am proud to be an original cosponsor of this bill.

Since the inception of the TWIC program in 2007, mariners and other transportation workers have had to make at least two trips to a TWIC enrollment center to enroll and activate their cards. In contrast, other federally issued secure identity documents, such as passports and merchant mariner credentials, are mailed to the applicants. It is unreasonable to continue to require workers to take off from work to make a second trip to the nearest TWIC enrollment center, which in some cases is hundreds of miles away, to obtain their credential. The bill before us today would simply treat TWICs like those other federally issued identity documents.

In response to this legislation and concern expressed by worker representatives and Members of Congress, including me, the Obama administration recently announced a new option for port and transportation security workers who, starting this fall, will need to renew their expiring TWIC cards. Under this new option, TWIC holders may renew their cards for 3 years at a reduced rate of $60 and go to the enrollment center just once.

I'm pleased that the administration heard us on this issue because these changes should help lessen the burden of our Nation's 2.1 million port and transportation security workers, as DHS moves toward issuance of a final rule for biometric readers for the TWICs.

Despite these improvements, H.R. 3173 is still very necessary, as the recently announced option only applies to renewals, not first-time applicants, and there are no guarantees that it will remain in effect for the duration of the program.

Passage of H.R. 3173 will be an important step forward in reforming a cumbersome bureaucratic process and providing relief for the more than 2 million transportation workers.

I urge my colleagues to give H.R. 3173 their support, and I reserve the balance of my time.

□ 1720

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, it's my pleasure to yield such time as he may consume to the distinguished gentleman from Louisiana (Mr. SCALISE), the author of the bill.

Mr. SCALISE. I want to thank the gentleman from California for yielding. I also want to thank Chairman KING of New York, as well as Ranking Member THOMPSON of Mississippi, for cosponsoring this commonsense legislation.

What we're trying to do is reform a process that was started back in 2006 that really has created a lot of complications for our transportation workers. What we're talking about is 2 million Americans not only across the country, but some who work around

the globe that are required by Federal law to have these Transportation Worker Identification Credentials not only to perform their jobs, but even to get promoted.

So as these cards come up, whether you're applying for them for the first time or trying to get them renewed, you have to not only make one, but two in-person visits. When we talk about these visits, in many cases people have to take a day off of work for the first, and then another day off of work for the second visit because this is a card that they're required to have if they're going to be able to work in the transportation industry.

The rule that was put in place by TSA really is unworkable and doesn't really make sense, especially as we're talking about safety. It has nothing to do with safety. It's just a rule that they came up with that we recognize, number one, it's not in law, but it's something that we recognize, especially as we talk to our constituents who work in the transportation industry throughout the country, that this is creating tremendous burdens on our employees who have to actually miss work and miss pay that goes along with it.

So we're talking about something that affects people's jobs and their careers and, in fact, in some cases has limited their ability to get promotions.

I want to read parts of a letter that I received from Andrew Drury, who is an assistant cargo mate aboard the USS Mount Whitney. He's in the Merchant Marines, and this has been a problem to him. He wrote in to our office as he heard we were addressing this issue.

He's a graduate of the Citadel and is employed by Military Sealift Command, a company that is tasked with supplying the U.S. Navy with anything from bombs, bullets, fuel and provisions to our Armed Forces. He works throughout Europe and Africa. He writes to say: ''Due to my long tours of duty overseas,''—his TWIC card has since expired, and—''I am not allowed to advance in rank or position without the current TWIC credential.''

He goes on to write: this means that anybody who currently works overseas has to take time off from work and fly back to the States twice. This is very expensive, time consuming, stressful, and ''because I live on a ship that constantly moves around is logistically impossible. Sir, I am writing you in hope that there is something you could do for my fellow Merchant Mariners and me in this precarious situation.

So as we see that 2 million of our workers across the globe are facing this problem, this is a commonsense reform that actually puts some new reforms in place and puts some new rules in place that says you still make that first trip; but just like a passport, you shouldn't have to be required to take time off from work to go back a second time.

Again, I appreciate over 40 cosponsors in a bipartisan way that have signed onto this. I would urge approval of this legislation.

Mr. THOMPSON of Mississippi. I yield myself such time as I may consume.

Mr. Speaker, with more than 40 bipartisan cosponsors, passage of this measure will make a strong statement of support for reform of the TWIC issuance process and American workers. I compliment the gentleman from Louisiana for introducing this legislation.

I encourage passage of H.R. 3173, and I yield back the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, nearly 2 million transportation workers have applied for and received a TWIC. The goal of this bill is to limit the red tape involved in the TWIC process so we can focus on the work of this Nation while being as secure as possible.

The Secretary needs to reform the Transportation Workers Identification Credential enrollment and renewable process so that our workers are not burdened with increased and unnecessary bureaucracy.

As with the previously considered bill, this is an attempt by those of us in the Congress to try and get rid of some unnecessary red tape. It in no way undercuts the security of our Nation. As a matter of fact, it improves it because it gets rid of a burden on people that is totally without merit.

So I ask my colleagues to support its passage, and I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 3173, ''to reform the process for enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require not more than one in-person visit to a designated enrollment center.'' This legislation removes economic tensions placed on workers due to unnecessary commutes to an enrollment center. The TWIC serves as a vital security measure that ensures that individuals who pose a threat do not gain unescorted access to secure areas of the nation's maritime transportation system. Without a doubt, it is a necessary precaution for the protection of the America's assets. However, the current system for the acquirement of a TWIC is inefficient, superfluous, and costly for American transportations workers.

In addition to the $129.75 that transportation employees must pay every 5 years to obtain the TWIC, they must also make two or more trips to an enrollment center to obtain it. In most cases, the nearest enrollment center is hundreds of miles away from the worker's home. With national gas prices averaging nearly $4 a gallon, any mode of transportation chosen by the worker can quickly become pricey.

This bill seeks to eliminate the pointless red-tape in the attainment of a TWIC, in which millions of Americans are subject to hefty transportation costs to travel back and forth to the enrollment centers to obtain their TWIC.

Mr. Speaker, as you are aware, many of our fellow Americans face tough economic situations. It truly is imperative to remove this excess and unnecessary burden placed on the American workers.

As a Member of the Committee of Homeland Security, ensuring the protection of our interests from domestic threats is one of my top priorities. Although TWIC does just that, I feel that we must also endeavor to protect the interest of our own citizens. It simply just is not an economically viable option to expect our transportation workers to pay for two or more round trip journeys for the TWIC. To avoid imposing these unnecessary burdens on United States workers, it is imperative that Congress enact this legislation.

This bill passed unanimously out of the Homeland Security Committee with broad bipartisan support. I believe this is because H.R. 3173 is the text-book example of a win-win situation; there are no foreseen negative consequences to the enactment of this bill. It will simply allow our American transportation workers to breathe a little easier.

This reform of the TWIC Application system will make a huge impact on transportation workers and their families. Because of it, millions of people will not lose money and precious time with loved ones by making unnecessary trips to TWIC enrollment centers.

I strongly urge my colleagues to join me in supporting H.R. 3173, The TWIC Application Reform.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, H.R. 3173, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PROVIDING FOR CONSIDERATION OF H.R. 5973, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF H.R. 5972, TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 697 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 697

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for

consideration of the bill (H.R. 5973) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 169C. The amendment specified in section 3 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. During consideration of the bill for further amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill, as amended, back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. The amendment referred to in section 2 of this resolution is as follows: insert before section 418 the caption ''Spending Reduction Account''.

SEC. 4. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

□ 1730

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. FOXX. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX. House Resolution 697 provides for an open rule providing for consideration of two bills, H.R. 5973, which is a bill making appropriations for fiscal year 2013 for Agriculture, Rural Development, Food and Drug Administration and related agencies, and H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development and Related Agencies Appropriations Act.

Mr. Speaker, House Republicans are offering yet another open rule, something that our liberal Democrat colleagues gleefully denied this House when they held the gavel. Once again, House Republicans continue our commitment to an open appropriations process in which all Members from both parties have an opportunity to influence the final legislative product.

In fact, this rule represents the eleventh open rule the Rules Committee has reported to the House thus far in the 112th Congress, which is in stark contrast to the 111th, in which the House considered a grand total of zero open rules.

I want to thank my colleagues from the Appropriations Committee for their leadership and hard work in producing the two bills referenced in this rule. H.R. 5973 includes $19.4 billion in discretionary funding, which represents a cut of $365 million below last year's level. H.R. 5972 provides a total of $51.6 billion in discretionary spending for the departments and agencies funded in the bill for fiscal 2013, which is a level representing $3.9 billion below last year's level.

While my liberal colleagues would undoubtedly prefer to borrow and spend more and continue to ignore the dire fiscal realities of our country, House Republicans remain committed to reining in wasteful spending, even if it involves making difficult and sometimes unpopular decisions in order to save our country from fiscal ruin.

The simple truth is we cannot afford to fund every program at the bloated levels that, for many years, kept political promises but, in the end, hurt the fiscal stability of our country. It would be unconscionable to continue indebting future generations to creditors like China without working to reduce Federal spending, which is the real driver of our deficit.

These are important bills, Mr. Speaker, and I'm proud that House Republicans, led by our esteemed Rules Committee Chairman DREIER, have embraced an open process to consider this legislation. We welcome the support of our Democrat colleagues on final passage of the underlying legislation.

At this time, Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from North Carolina, Dr. FOXX, for yielding me the customary 30 minutes.

Mr. Speaker, before I begin, I just would like to point out to my colleagues that I don't want them to be under the misimpression that somehow this Republican leadership is somehow conducting an open and transparent process. At last count, they have given us 41 completely closed rules, and that's not even getting into the number of structured rules we've had. So I would be a little bit more humble before I would brag about the open process in this House.

I rise in opposition to this rule, which combines two unrelated appropriations bills, Transportation, Housing and Urban Development and the Agriculture appropriations bills. And this rule also concedes that the House Republicans will not finish all their appropriation bills on time.

Under the House rules, the House cannot adjourn for more than 3 days in a row in July unless all the appropriation bills are finished. Section 4 in this rule is an admission that the Republican leadership hasn't met this threshold.

Mr. Speaker, I also oppose this rule because Republican budget caps have made it impossible to bring appropriations bills to the floor that meet the needs of our country. Rather than a balanced, fair approach to control our Federal deficit, Republicans have launched an all-out assault against middle-income families and those who are struggling in poverty. Rather than asking Donald Trump to pay one penny more in taxes, the Republicans are pursuing an agenda that would decimate food stamps, that turns Medicare into a voucher program, that goes after student loans. I could go on and on and on. Everything that they bring to this floor lowers the quality of life and the standard of living for the people in this country.

This Congress should be about lifting people up, not putting people down. And yet, the bills that get brought to this floor, time and time again, are all about putting the American people down.

Not only is the underlying Transportation appropriations bill underfunded, but we're considering it while the ninth—the ninth—extension of the surface transportation bill, the bill that

funds our roads and bridges, is on the verge of expiring, and the summer construction season quickly moves towards a close.

We need a transportation bill, and we would have one, Mr. Speaker, if the Republican leadership would simply accept the bipartisan Senate bill. Instead, the Republican leadership has decided to play politics by including unrelated provisions like the construction of the Keystone pipeline in a bill meant to build and repair America's roads and bridges, in a bill that would have put thousands and thousands and thousands of Americans to work on these critical projects.

I had the honor of hosting Transportation Secretary Ray LaHood, a former Republican Member of this body, in my congressional district yesterday. Secretary LaHood made it clear that Congress needs to get its act together and pass a transportation bill. Rather than more recesses, I would say to my friends, we ought to stay here and not leave until we get this bill passed.

Instead, this transportation appropriations bill is, essentially, a shell full of placeholder language waiting for the authorization bill to be finished. This is not a way to legislate.

My friends on the other side of the aisle like to say, where are the jobs? Well, I'll tell you where the jobs are. They're in this transportation bill that they are holding up, that they are holding hostage. You want to put Americans back to work? Pass this bill.

I'm also deeply disappointed, Mr. Speaker, that this is the second year in a row that the appropriations bill fails to fund the Sustainable Communities initiative, which brings together the Department of Transportation, HUD, and EPA to develop effective models of integrated planning and promote economic development in metropolitan areas across the country. We should be pursuing the smart, holistic approaches to urban planning and improvement encouraged by the Sustainable Communities initiative, and this bill doesn't do that.

I also have concerns with the project-based Section 8 funding level included in the THUD legislation, and with proposals to short-fund project-based contracts. Short-funding does not reduce Federal expenditures, but instead shifts the cost to the next fiscal year. In fact, according to the National Housing Trust, short-funding can increase financing costs because of the uncertainty it creates among lenders and investors. Short-funding is a direct result of the need to conform to the Ryan budget, and I hope that the Senate's funding level is adopted during this conference, if they ever do have a conference.

The sad reality, Mr. Speaker, is that of these two appropriations bills, the Transportation, Housing and Urban Development appropriations is the better one. And this Agriculture appropriations bill is, to put it nicely, not where it needs to be. It is woefully inadequate in several places, and it continues a pattern set by this Republican leadership of trying to undermine the Wall Street reforms made under Dodd-Frank and to dismantle the antihunger safety net.

This bill decimates funding for the Commodity Futures Trading Corporation, one of the key regulators of the financial services industry. In fact, the bill cuts funding for the CFTC by 41 percent, a cut that will drastically reduce CFTC's ability to oversee an industry that continues to take risky gambles, as evidenced by J.P. Morgan's recent loss of $2 billion. The Republican leadership, once again, would rather allow Wall Street to run amok instead of providing proper oversight so that Americans on Main Street don't get taken to the cleaners.

Also not surprising is this Republican leadership's continued assault on the hungry in America. Over the past 18 months, the Republican leadership has pushed two plans to block grant SNAP, formerly known as food stamps, dramatically cut WIC funding in last year's Agriculture appropriations bill, and brought a reconciliation bill to the floor that would cut $36 million from SNAP, the most effective and efficient Federal antihunger program we have in this country.

□ 1740

Of course, we are still anticipating a farm bill from the Agriculture Committee that will cut at least $14 billion from this program. Also, while this bill funds WIC at $6.9 billion, it is still $119 million short of President Obama's request.

In essence, this bill is gambling that food prices and participation will stabilize and not continue to rise. Yet just as concerning is the lack of set-asides for breast-feeding counselors, electronic benefit cards and infrastructure. These provisions were included in the President's request and also in the Senate bill. They should not be excluded from the House version.

The other problem with the WIC language is the provision dealing with white potatoes. For the first time, Congress is mandating that white potatoes be included in the WIC food package. This is unprecedented and is deeply troubling. Congress has never, until now, interfered with the science of the WIC food package. This food package was specifically designed by the Institute of Medicine to provide the necessary nutrients through specific foods that are often not consumed, for a variety of reasons, by low-income pregnant women and their newborns, infants and young children. Like the effort to treat pizza as a vegetable, this is clearly done on behalf of industry. It does not belong in this bill.

This bill also cuts the Commodities Supplemental Food Program below the President's request. This program provides food to seniors across the country, but the funding level in this bill is so inadequate that it will actually result in 55,000 fewer seniors being served. That's 55,000 fewer low-income seniors on fixed incomes who will have food taken away from them simply because this committee decided that tightening our Nation's fiscal belt should mean less food for elderly in America instead of fewer profits for the wealthy.

The Agriculture appropriations bill doesn't spare international food aid from drastic cuts either. This bill cuts title II PL480 by 22 percent, or $316 million, under FY12 levels and $250 million below the President's FY13 request. These dramatic cuts would result in decreases in emergency services to between 6 million and 8 million vulnerable people, some of whom are already on the brink of starvation. They also weaken the funding for programs that fight long-term hunger and that build the capacity of people to withstand new emergencies. For example, it was the Food for Peace development programs in Ethiopia that helped keep communities from falling into famine and to withstand the shock of last year's drought, saving the American taxpayer hundreds of millions of dollars.

Not only are these cuts unconscionable, but they are unwise because they will ultimately lead to future costs should there be widespread hunger, famine or civil unrest that requires American assistance. Mr. Speaker, we need to do better. We must do better. We need a surface transportation bill that actually puts Americans back to work.

I again ask my Republican friends to stop holding the Senate bill hostage. Bring it to the floor. Let us have an up-or-down vote on it. Let us pass it and get people back to work. We need to ensure that Wall Street doesn't, once again, run unchecked; and we need to guarantee that we don't let Americans go hungry during these difficult economic times. The Republican agenda is quite contrary to where I think the majority of Americans are, and we're seeing that agenda—that radical right-wing agenda—at work in these appropriations bills.

I will just close with this, Mr. Speaker:

My colleagues on the other side like to talk about numbers all the time while I like to talk about people. I got elected to Congress to help people. As I said at the beginning of my remarks, the agenda by this Republican majority is all about putting people down. We should be about lifting people up in this country. We can meet our budgetary challenges without lowering the standard of living for the people of this country.

With that, I urge my colleagues to reject this rule, and I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from Iowa (Mr. LATHAM).

Mr. LATHAM. I thank the gentlewoman from North Carolina for yielding time.

I am very pleased to speak in favor of the rule on H.R. 5972, the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill.

I want to thank the chairman and ranking member of the Rules Committee for their assistance in moving this important bill forward. I also want to thank Chairman ROGERS and Ranking Member DICKS for their commitment to moving appropriations bills through the House so that we can fund America's priorities while demonstrating the committee's proven record of cutting waste, fraud, and abuse.

In particular, I want to thank THUD Ranking Member JOHN OLVER for his assistance in crafting this legislation. This is his last THUD bill before retiring at the end of this year.

The Transportation and HUD bill represents responsible choices for our Nation's most pressing housing and transportation needs. This bill's allocation of $51.6 billion is almost $4 billion below fiscal year 2012 and is almost $2 billion below the President's request. The bill also reflects the budget resolution passed by the House.

The bill is largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. As the amendments to the THUD bill are rolling in, we are seeing a very familiar theme—authorizing provisions. There are a multitude of issues, especially in the transportation title and the housing title, that very desperately needed to be considered and acted upon by the authorizing committees of jurisdiction. A number of Members have good ideas for improving these programs, and the authorizers need to have the opportunity to turn these ideas into law.

The Appropriations Committee can only deal with existing law, so I would urge my colleagues with amendments that are out of order to please bring these issues to the relevant chairmen, and let's improve the underlying statutes. We can't make these authorizing changes on this appropriations bill.

I urge my colleagues to support the rule. I look forward to the general debate on the Transportation and HUD bill and to a very speedy amendment process.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the ranking member of the Appropriations Subcommittee on Agriculture, the gentleman from California (Mr. FARR).

Mr. FARR. Thank you very much for yielding.

I rise in strong opposition to the $19.405 billion allocation that our Subcommittee on Agriculture and Food and Drug Administration-related agencies received, but I rise in support of the rule for moving this process forward with a great floor debate.

The allocation given to our committee is $1.7 billion, or 8 percent, below what the President requested; and it is $365 million, or 1.8 percent, below what we enacted in the House last year, in 2012.

Chairman KINGSTON, my colleague on the Republican side of the aisle and chair of our committee, does a great job. He has talked about how we have savings that have been found and that, in tough budgetary times, everybody has got to tighten his belt. We all know that, but it's about the cost of tightening those belts and about those who depend on those programs which, in many ways, are their survival. I feel several programs have been cut so deeply that people will either be unable or will have difficulty in performing the duties of those programs.

This bill slashes Food for Peace by 22 percent. Let me be crystal clear about what this cut means. Mr. MCGOVERN just spelled it out very clearly. It's the wrong thing to do. It means 6 million to 8 million people will face starvation—6 million to 8 million people. Cutting food aid only increases the need to bump up other, more costly efforts later on. It means that 44,000 Americans who produce that food could be losing their jobs. Those include farmers, the shippers of food, processors, port workers, and merchant mariners, who ship it across the seas.

In another example, 41 percent is being cut from the Commodity Futures Trading Commission—41 percent. That's misguided and shows a lack of understanding of its oversight responsibilities. A failure to fund robust oversight will only hurt American taxpayers. The CFTC is charged with the oversight of unregulated swaps at $300 trillion a year—$300 trillion of these swaps—and it is grossly unregulated.

This regulatory oversight protects the American taxpayer and reckless Wall Street behavior that caused the 2008 financial crisis. We all know that reckless Wall Street behavior led to the collapse of the housing market, which is still dragging down economic growth in all of our communities across America. We in Congress need to restore the people's confidence in our ability to govern and to regulate Wall Street and to benefit Main Street. We in Congress need to restore the CFTC funding.

Remember, too, that the FDA, which is the Food and Drug Administration, oversees 80 percent of our Nation's food supply, including food for more than 3,000 facilities in 200 countries around the world.

□ 1750

I appreciate the effort here to bump up food safety modernization implementation. However, the total Food and Drug Administration is funded at $16 million under what we gave them last year, and $31 million below what was requested for this year.

As you know, in addition to overseeing most of our food supply, it is responsible for the safety of drugs and medical devices, many of which are imported to the United States.

In closing, I do think that Chairman KINGSTON made a good effort in crafting this bill, given the allocation he had to deal with. I support this rule and continue to work with him as we move forward on this bill. Let's have a good hearty debate and adopt some amendments to correct it.

Ms. FOXX. Mr. Speaker, one of the bills that will seek consideration under this open rule is H.R. 5973, which primarily funds agriculture and nutrition programs. The legislation contains discretionary funding, as well as required mandatory funding for food and nutrition programs within the Department of Agriculture. This includes funding for the special Supplemental Nutrition Assistance Program for Women, Infants, and Children, or WIC, the food stamp, or Supplemental Nutrition Assistance Program, SNAP, and the child nutrition programs.

The bill provides $6.9 billion in discretionary funding for WIC, which, contrary to what liberals suggest, is $303.5 million above last year's level. This program provides supplemental nutritional foods needed by pregnant and nursing mothers, babies, and young children. Language is included for oversight and monitoring requirements to ensure the proper use of taxpayer dollars, as well as food price tracking to ensure necessary resources continue serving those eligible for program benefits.

The bill provides for $19.7 billion in required mandatory funding outside of the discretionary funding jurisdiction of the Appropriations Committee for child nutrition programs, which is $1.5 billion above last year's level. The bill provides for $80 billion in required mandatory spending, which is, again, outside of the discretionary funding jurisdiction of the Appropriations Committee, for SNAP, the food stamp program. This is $408 million below last year's level.

Since food stamps or SNAP spending is driven by program participation, the spending is called mandatory. This legislation also includes new stringent reporting requirements to help weed out and eliminate waste, fraud, and abuse in the program, such as a requirement for States to include the fraud hotline number on all EBT cards, a directive that the Secretary of Agriculture ban fraudulent vendors, and a requirement for States to share data with enforcement agencies.

The legislation includes $996 million for food safety and inspection programs, which is equal to the President's budget request, and a decrease of $9 million below last year's level. These mandatory inspection activities, which play a significant role in maintaining the safety and productivity of the country's $832 billion meat and poultry industry, help maintain critical meat, poultry, and egg product inspection and testing activities and support the implementation of a poultry inspection

program to improve safety and inspection efficiency. This voluntary inspection program is expected to reduce government costs by $85 million to $95 million over 3 years and reduce costs to private businesses by a total of $250 million.

The FDA receives a total of almost $2.5 billion in discretionary funding in the bill, representing a 0.7 percent or $16.3 million reduction below last year's level. Total funding for the FDA, including user fees, is $3.8 billion.

These are just some of the priorities outlined in the underlying legislation. I look forward to hearing from committee leaders, who will provide further discussion of various elements of the legislation at the time the bill is debated.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, before I yield to the gentlewoman from Connecticut, I just want to yield myself such time as I may consume just to make a point here.

I think it's important for us not to try to fool anybody by saying that we are adequately living up to the challenge of combating hunger and food insecurity in this country, because I will say to the gentlelady that there are 49 million Americans who would disagree with you. There are 49 million Americans who are hungry in our country, the richest country on the planet. Seventeen million of them are children.

Among the many things that are cut in this Agriculture appropriations bill is the Commodity Supplemental Food program. The cut in that alone would throw 55,000 seniors off of food assistance.

We can talk about that we're trying to do the best we can, but let's not say that somehow we're doing something we're not. We are not meeting the challenge of ending hunger and food insecurity in America. Not by a long shot. That's one of the frustrating things about this appropriations process—that the very programs to help people get out of poverty, to get on their feet again, are being slashed. You are balancing the budget on the backs of hungry people while you ask Donald Trump not to pay one penny more in taxes. I think that's unfair, and that's why, I think, this whole process is unfair.

At this point, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the rule and the underlying Agriculture-FDA appropriations bill.

It does not meet our responsibilities to the American people. This bill's allocation is $1.7 billion below the President's request. The lower allocation represents a breaking of the bipartisan agreement we made last August. It will have a dramatic impact on the fundamental American priorities embodied in this bill, especially in the critical areas of financial protection, nutrition, food safety, and antihunger programs.

I would like to submit this letter from the United States Conference of Catholic Bishops for the RECORD, a letter that speaks out against the inadequate funding for nutrition and antihunger programs in this appropriations bill.

Nearly half of the babies born in the United States every year participate in the Women, Infants, and Children feeding program. It is a short-term intervention that can help provide a lifetime of good nutrition and health behaviors. And yet at a time of great need, the bill underfunds WIC by $119 million.

The Food and Drug Administration is the cornerstone of our food and product safety system, and yet this bill rescinds $47.7 million in previous funding and displaces the agency's vital mission: protecting the health of Americans at risk.

The bill cuts the Food for Peace program. Because of this cut, at least 6.6 million fewer hungry people around the globe will be fed. Already, 300 children perish every hour of every day because of hunger and related causes. Ronald Reagan correctly called Food for Peace ''an instrument of American compassion,'' and we should support it.

We know for a fact that the risky behavior in derivative markets that precipitated the 2008 financial meltdown is still happening. We've seen it with MF Global and J.P. Morgan. Americans want more accountability from Wall Street and less speculation erratically driving up oil prices. And yet, this bill funds the Commodity Futures Trading Commission at $25 million less than 2012 and the full $128 million—41 percent. This is quite simply setting the commission up for failure.

We have a lot of work to do to fix this bill. We must ensure that the fundamental priorities of the people that we represent—like preserving fair markets, improving nutrition, ensuring food and consumer safety—are upheld.

I urge my colleagues to oppose this rule.

I might add that in the State of Connecticut, in the Third Congressional District, one out of seven individuals is food insecure. What does food insecurity mean? It means they don't know where their next meal is coming from.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. I yield an additional 1 minute to the gentlewoman from Connecticut.

Ms. DELAURO. We have 49 million people in this Nation who are going to bed hungry every night in the richest country in the world. It is inconceivable that we would cut back on food and nutrition programs when the Nation is suffering from the most serious economic recession it is having, and that we would cut back on food stamps.

We have cut back on school breakfast programs, school lunch programs, The Emergency Food Assistance program, the Commodity Supplemental Food program. And while the richest people in this Nation are having three squares a day or better, let's get our priorities straight. Let's focus on the people that we have come here to represent. Oppose this rule and oppose this bill.

UNITED STATES CONFERENCE
OF CATHOLIC BISHOPS,
Washington DC, June 26, 2012.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the United States Conference of Catholic Bishops, we wish to address the moral and human dimensions of the FY 2013 Agriculture Appropriations legislation. The bishops' conference urges you to resist significant cuts to both domestic and international food aid and conservation and rural development programs. Major reductions at this time of economic turmoil and rising poverty will hurt hungry, poor and vulnerable people in our nation and around the world.

In For I Was Hungry and You Gave Me Food, the bishops wrote, ''The primary goals of agricultural policies should be providing food for all people and reducing poverty among farmers and farm workers in this county and abroad.'' Adequate nutrition is essential to protect human life and dignity. We urge support for just and sufficient funding for agriculture policies that serve hungry, poor and vulnerable people while promoting good stewardship of the land and natural resources. In our soup kitchens and on our parish doorsteps, we see the faces of poor and hungry people every day. As a faith community, we feed those without work, pregnant women and children and seniors on a limited income. The Catholic community at home and abroad includes farmers, ranchers, farmworkers and business owners who grow food, care for the land and help rural communities prosper.

The bishops' conference acknowledges the difficult challenges that Congress, the Administration and government at all levels face to match scarce resources with growing needs. A just spending bill cannot rely on disproportionate cuts in essential services to poor and vulnerable persons; it requires shared sacrifice by all.

As pastors and teachers, we believe these are economic, political and moral choices with human consequences. Our bishops' conference has offered several moral criteria to help guide difficult budgetary decisions:

Every budget decision should be assessed by whether it protects or threatens human life and dignity.

A central moral measure of any budget proposal is how it affects ''the least of these'' (Matthew 25). The needs of those who are hungry and homeless, without work or in poverty should come first.

Government and other institutions have a shared responsibility to promote the common good of all, especially ordinary workers and families who struggle to live in dignity in difficult economic times.

We address the following programs as they reflect a priority for poor and hungry people and promote good stewardship:

DOMESTIC PROGRAMS

WIC: The Women, Infants, and Children nutrition program is fully funded at $7.04 billion in the President's FY 2013 budget. With record high child poverty (1 in 5 children), a cut to this program would harm some of the most vulnerable people in our country.

TEFAP: The Emergency Food Assistance Program receives appropriations funding for food storage and distribution grants in local communities. Cuts to the program could force some of our parishes and other charities to turn away hungry people when they continue to need our help.

SNAP: The Supplemental Nutrition Assistance Program (formerly food stamps), received a $2 billion cut made to the reserve fund in the 2010 child nutrition bill. Restoration of funding is necessary as families continue to struggle with joblessness and poverty.

CSFP: The Commodity Supplemental Food Program provides food assistance to low-income seniors, pregnant and breastfeeding women and infants and children. Adequate funding is needed to help faith communities and other charities provide food packages to hungry people in their local communities. Reductions will result in a loss of food for thousands of low-income seniors.

CSP: Adequately fund the Conservation Stewardship Program to help farmers conserve and care for farm land for future generations. Strong conservation programs are necessary to promote good stewardship of creation and provide needed support to family farms.

VAPG: Maintain current funding for the Value Added Producer Grants program to help farmers and ranchers develop new farm and food-related businesses to increase rural economic opportunity and help farm and ranch families thrive. In addition, restore funding for the Rural Micro-entrepreneur Assistance Program (RMAP)—which was eliminated in the FY 2012 funding bill—to help small businesses develop and grow in rural communities.

INTERNATIONAL PROGRAMS

Food for Peace: The President's Budget proposal calls for a 4.5% cut to the Title II Food Aid program from the FY 2012 appropriated levels, which is a 20% cut from the FY 2010 level. Such substantial cuts over just two years will undoubtedly lead to an unacceptable loss of life for those in dire circumstances.

Safe Box: Congress must protect Title II Food Aid funds to development programs by preserving the ''safe box'' provision. Programs funded through the safe box help chronically hungry communities build lasting agricultural capacity that minimizes the impact of severe weather and other catastrophes.

Local and Regional Purchase: Direct funds to the Local and Regional Procurement (LRP) of food commodities. As demonstrated in the pilot program funded by the 2008 Farm Bill, LRP can reduce the cost of food assistance, shorten delivery times, and improve overall response for both emergency and development programs.

202e Funds: Increase the amount of cash resources in the Title II program. The distribution of food alone is not enough to stimulate sustainable development. Agencies like Catholic Relief Services use these funds to operate nutrition education programs that save the lives of mothers and children and for agricultural programs that increase the quality and amount of food that poor farmers produce. Increasing cash resources would also reduce the need to sell U.S. food in developing countries to generate cash to support such programs (monetization).

PRIORITIES AND SUBSIDIES

The bishops' conference supports farm safety net programs such as crop insurance and disaster assistance that are targeted to the needs of small to medium sized farmers and ranchers. Savings should be used to fund hunger and nutrition programs that serve people in need.

At a time of great competition for agricultural resources and budgetary constraints, the needs of those who are hungry, poor and vulnerable should come before assistance to those who are relatively well off and powerful. With other Christian leaders, we urge the committee to draw a ''circle of protection'' around resources that serve those in greatest need and to put their needs first even though they do not have powerful advocates or great influence. The moral measure of the agriculture appropriations process is how it serves ''the least of these.'' We urge you to protect and fund programs that feed hungry people, help the most vulnerable farmers, strengthen rural communities and promote good stewardship of God's creation.

Sincerely yours,

MOST REVEREND STEPHEN E. BLAIRE,
Bishop of Stockton, Chairman, Committee on Domestic Justice and Human Development.

MOST REVEREND RICHARD E. PATES,
Bishop of Des Moines, Chairman, Committee on International Justice and Peace.

□ 1800

Ms. FOXX. Mr. Speaker, the other bill that will benefit from consideration under this open rule is H.R. 5972, which provides funding aimed at supporting a vibrant and safe transportation infrastructure while making the difficult decisions needed to balance the budget.

The bill includes $17.6 billion in discretionary appropriations for the Department of Transportation for fiscal year 2013. This is $69 million below last year's level. The bill designates $39.1 billion from the highway trust fund for the Federal highway program, which is the same level provided last year.

However, the committee recognizes that since the highway program still requires reauthorization and the funding level provided in the bill may change upon the enactment of a highway authorization bill for the next fiscal year, the Appropriations Committee is prepared to support a differing highway trust fund spending level should a new multiyear authorization bill be enacted.

Included in the legislation is $12.6 billion for the Federal Aviation Administration, which is $91 million above last year's level. The bill provides nearly $1 billion for the FAA's Next Generation Air Transportation System, otherwise known as NextGen, allowing the FAA to move forward with the next step in modernizing the Nation's air control and airport system. The bill also supports operations and staffing, which will help ease congestion and reduce delays for travelers in U.S. airspace while rejecting the administration's proposals for new aviation fees.

The legislation contains funding for the various transportation safety programs and agencies within the Department of Transportation. This includes $776 million in both mandatory and discretionary funding for the National Highway Traffic Safety Administration, representing a reduction of $23.8 million below last year; $551 million for the Federal Motor Carrier Safety Administration, representing a reduction of $2.6 million below last year; and $177 million for the Pipeline and Hazardous Materials Safety Administration, which is $4 million above last year's level.

The legislation includes a total of $33.6 billion to the Department of Housing and Urban Development, which is $3.8 billion below last year's level. The bill wastes no funding on any new, unauthorized ''sustainable,'' ''livable,'' or ''green'' community development programs. $26.3 billion is included in the bill for public and Indian housing, representing an increase of $759 million above last year's level.

Within this total, the bill provides funding to renew benefits for every single individual and family currently receiving assistance and ensures that no critical benefits are eliminated or canceled. The bill also fully funds the President's request for veterans' housing at $75 million and Native American block grants at $650 million.

Housing programs within the bill are funded at $9.3 billion, representing a reduction of $361 million below last year's level and $49 million below the request. Within this total, the bill provides sufficient funding for the most vulnerable populations, including $165 million for housing for the disabled, an increase of $15 million over last year, and $425 million for housing for the elderly, again, an increase of $50 million above last year.

These are just some of the priorities outlined in the underlying legislation. Again, I look forward to hearing from committee leaders who will provide further discussion of the various elements of the legislation.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, this rule allows Members to go home to their districts, even if we don't address the doubling of student loan interest rates that are about to hit people across the country and even if we don't hammer out a deal to fund our transportation programs and create jobs, notwithstanding the fact that our infrastructure is crumbling.

If we defeat the previous question, I will offer an amendment to the rule to say that the House cannot adjourn at the end of this week until we finish our business.

And to discuss this amendment, I would yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today to oppose the rule because we are set to adjourn this week without finishing our critical work on transportation.

We need a long-term surface transportation bill that puts Americans back to work. Mr. Speaker, this House only builds roads in order to find cans to kick down those roads. We cannot have a ''big league'' economy with ''little league'' infrastructure in this country. We need a long-term investment to repair our roads, bridges, and highways, and to maintain our transit systems.

Leaders of our country have always recognized this fact. Three years after Lewis and Clark left for the West, President Jefferson secured funding for the Cumberland Road. If Jefferson recognized the importance that transportation can have in linking this country, uniting the States in a shared economy and trade, surely we can show that same recognition today by staying here to ensure that the work of job creation is done. The question before us is whether this body recognizes that transportation projects create jobs and set the stage for economic growth.

A bipartisan bill passed out of the Senate. It was forged out of compromise. It is a bipartisan solution. It means immediate job creation. It means jobs for private sector contractors, laborers, and engineers.

A conference committee is meeting right now to bring us a long-term authorization to create real jobs. We should not adjourn without a long-term, robust, and bipartisan investment in transportation and jobs.

I urge my colleagues to vote against this rule so we can finish this work.

Ms. FOXX. Mr. Speaker, my colleagues are talking about the fact that we are going to have a district work period next week. The district work period is because next week we are celebrating the signing of the Declaration of Independence, one of the most important holidays in this country.

Our colleagues across the aisle want to create more dependence in this country. They are as far away from the Founders of this country as you can be in terms of what makes this country unique and what makes it so great.

We don't need more dependence in this country, Mr. Speaker. We need to celebrate what makes this country great, what makes us unique. It's the independence of this country and the independence of citizens and their ability to take care of themselves and to personally take care of each other and not continue to look to the nanny state that our friends would create and have tried to create over the years.

These are very difficult times, Mr. Speaker. We all know that. But it's important that the American people understand that House Republicans have repeatedly worked to find common ground with the President and Senate Democrats and have passed several bipartisan bills that would improve this economy which has been so damaged by the policies of the left and this President.

Several proposals supported even by the President have passed the House and have been signed into law, including trade pacts, a bipartisan veterans hiring bill, and a repeal of the IRS withholding tax on job creators. But the President's own job council has embraced many of the job proposals advocated by Republicans but ignored by the President himself.

The simple truth is that President Obama's attempt supported by our colleagues on the other side of the aisle, and by them only, to stimulate the economy by growing government has failed.

But you don't have to take my word for it, Mr. Speaker. Just look at the facts: The recent jobs report showed that the U.S. gained only 69,000 jobs in the month of May.

May marked the 40th consecutive month that the unemployment rate has remained above 8 percent, repudiating the administration's pledge that unemployment would remain below 8 percent if the Democrat 2009 stimulus plan became law. Lest we forget, it was the Obama administration which claimed unemployment would be below 6 percent today if the $1.178 trillion Democrat ''stimulus'' was signed into law.

At the current rate of job growth, if the United States continues to struggle under the failed policies that have produced the ''Obama economy'' and adds only 69,000 jobs each month in the future, it would take a total of 10 years and 5 months—until June 2018—to regain all the jobs lost during the latest recession, which is longer than the 8 years it took to regain the jobs lost during the Great Depression.

□ 1810

But even these figures, Mr. Speaker, hide the fact that the rate of underemployment, or real unemployment, which counts those who want to work but have stopped searching in this economy and those who are forced to work part-time because they cannot find full employment, is 14.5 percent or higher.

Also troubling is the realization that since 2008, which is the year President Obama was elected, median family income has declined by $1,154, falling to its lowest level since 1996. As a March 2012, the number of Americans receiving food stamps was 46.4 million, which is the third most in any month in history and up 80,000 from February. Today, 15 percent of Americans receive food stamps, representing an increase of 45 percent since President Obama took office.

Mr. Speaker, our colleagues on the other side of the aisle want to continue the failed policies they began in 2007 and instituted for 4 years and worked with President Obama for 2 years on. Fortunately, Mr. Speaker, House Republicans are working to improve the dismal conditions imposed by the liberal regime that dominated Washington, D.C., for far too long.

I reserve the balance of my time.

Mr. MCGOVERN. Let me just say I hope that the gentlelady wasn't implying that somehow the Federal Government doesn't have a role in investing in our national highway infrastructure. Dwight Eisenhower, a Republican, I should remind the gentlelady, understood the importance of having a national highway program.

As has been pointed out by a number of our speakers on the Democratic side, our infrastructure is aging and is falling apart, and we're not going to be able to compete in this global economy unless we make the proper investments. And by making the proper investments, we are not only helping our economy; we are putting people back to work. We are putting people back to work. And yet the Republican leadership of this House is holding hostage a transportation bill that passed the Senate that would put countless people back to work, which passed overwhelmingly in the Senate by 74 votes—overwhelmingly in the Senate. We can't get that brought up on the House floor for a vote.

The Republicans, I would say, Mr. Speaker, I think are intentionally running out the clock. I think it's a cynical attempt to hold everything up, to not invest in our economy, to slow down economic growth. Hopefully, I think, in their minds, they hope that it will win them the election. I think it's a cynical way to do politics. We ought to be on this floor helping the American people.

And, yes, the 4th of July is a great time for us to celebrate our country, but a lot of Americans are not going to celebrate because they're out of work. And we have the ability to put them back to work. Yet my friends on the other side of the aisle are holding hostage the very bill that could put countless Americans back to work.

At this time I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Speaker, unless Congress acts in the next 4 days, the subsidized Stafford student loan interest rate is going double from 3.4 percent to 6.8 percent. Despite the fact that that looming deadline which affects over 7 million college students all across American is staring us in the face, what we are debating here today is a rule which allows the House to go into recess for the 10th week since January, which is part of this rule.

The good news is that a couple of hours ago it was reported that the Senate and Republican leadership have actually agreed upon a settlement of this issue which would allow the 3.4 percent rate to be extended for 1 year. But I would note that MITCH MCCONNELL, who's the minority leader for the Republic Party, said that:

Final approval of student loan legislation, which would prevent rates on Federal Stafford loans from doubling to 6.8 percent, depends on House Republicans.

The fact of the matter is we have no idea whether or not the House Republican leadership is going to agree to this compromise which the Senate leadership reached a few hours ago, because all we're debating here today is another adjournment or recess motion before the House. The fact of the matter is it is time for us to focus on this issue which the President on January 25 challenged Congress to act on.

I started this countdown chart at day 110. We are now down to the final hours

before the interest rates double, which will cost thousands of dollars in more interest costs to college student across America, unless we act. The fact of the matter is that the House Republican bill that they rushed to the floor without a subcommittee, without a markup, was completely rejected by Republicans in the Senate. We now have the glimmer of a deal, a compromise. We should not be debating another adjournment resolution for the 10th week of recess this year until we get this work done.

There are millions of college students all across America who are waiting for us to get this issue resolved so that they can plan their budget for the next fall semester. And the fact that we're here again with another adjournment resolution with the most unproductive Congress in recent memory is ridiculous. We should reject this rule. Let's focus on getting the work done that the American people are counting on.

Ms. FOXX. I need to remind my colleague across the aisle we're not debating an adjournment resolution here today. I also need to remind my colleague across the aisle that it was the Democrats that set this student loan problem up. They made promises in 2006 to the American people they couldn't keep; and so they set up a time bomb, actually, so that the interest rates on the student loans would go back up because, again, they made promises they couldn't keep about lowering the rate of interest.

It affects a very small number of students, and it only affects them when they graduate from college, Mr. Speaker. If the Obama economy weren't so lousy and only 50 percent of the students graduating were getting jobs, it really wouldn't be that big an issue because it's a very small amount of money to the students. And if they had jobs, they wouldn't be quite so concerned about it. They only have to pay those loans back after they graduate because we're subsidizing interest while they are in school.

So I think our colleagues don't really want to go in that direction and talk about blaming Republicans for this mess with student loans, since they created it. And if the students were getting jobs, most of them wouldn't be as concerned about it as they are now.

Also, on the transportation bill that our colleagues tout so well, again, it fits right into their philosophy of borrow, borrow, borrow; spend, spend, spend. It is not a responsible bill because the Republican bill would stay within the limits of the revenue that we get from the highway trust fund. But they just want to borrow from the general fund and make our situation worse.

Mr. Speaker, it seems clear to everyone except the liberal leadership that job creators are bogged down by overly burdensome Federal regulations that prevent job creation and hinder economic growth. These regulations are particularly damaging for the real job creators in the country: small business owners. The Federal Government may create jobs, but they are not sustainable jobs, and they are a drag on the economy.

However, House Republicans recognize the need to remove onerous, redundant Federal regulations that are so harmful to small businesses and impede private sector investment and job creation. In order to ease the regulatory burden on the economy and to promote job creation, House Republicans have worked to advance legislation to rein in the unaccountable Federal regulatory apparatus and continue to pursue innovative initiatives such as my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act, which would help improve transparency and accountability by disclosing costs to Federal mandates that would otherwise remain hidden from public scrutiny.

House Republicans appreciate that America's Tax Code has grown overly complicated and cumbersome, filled with loopholes and giveaways and is fundamentally unfair. That's why the House Republican plan for America's job creators recognizes the need to eliminate the special interest tax breaks that litter the Tax Code and reduce our overall tax rate to no more than 25 percent for business and individuals, including small business owners. This would make the Tax Code flatter, fairer, and simpler. Commonsense changes to the Tax Code would ensure that everyone pays his or her fair share, lessens the burden on families, generates economic expansion, and creates jobs by making Americans more competitive.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise to urge a ''no'' vote on the previous question so that an amendment to the rule can be offered.

Mr. Speaker, we just heard about what makes this country great. Well, I think what makes this country great is the education of our people.

□ 1820

We know that having a good education is key to achieving the American Dream and key to keeping our country competitive. We all know that because the folks in this Chamber know the importance of a college education. Most people here have gone to college. But there are millions of young adults who are slowly seeing that opportunity evaporate with tuition skyrocketing.

Students from across my district in San Diego are struggling, and they tell me that every day. Some are doing a delicate balancing act of providing for their families while taking on a full academic course load. And others, quite frankly, are just scraping by each semester. An additional burden of $1,000 in interest payments is no trifling matter for these students. And yet, we see that partisan games have led to gridlock on this issue.

College students know that if they miss deadlines, there are consequences. And for Congress, there should be consequences, too. Well, Mr. Speaker, the clock is running out, and I urge my colleagues, please, support a solution that gives students and families the relief that they desperately need.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding me this time.

I think most Americans would agree, irrespective of which party they are in, that it would be a good idea to put Americans back to work building our highways and our bridges and our transportation systems, and do it now.

I think most Americans would agree that doubling interest rates on student loans would be disastrous for people struggling to get a college education.

I think most Americans would agree that if the other body passed a transportation bill by three-quarters of the Members voting for it, Republican and Democrat, it would be a good idea to take that bill up here.

I think most Americans would agree that if the Republican and Democratic leadership in the other body reached an agreement on a way to keep the student loan rates low and not add to the deficit by paying for it, it would be a really good idea to bring the bill up here.

The unfortunate thing for the House and for the country is that the only people who don't seem to be a part of that consensus are the Republican Members of the House of Representatives. No matter if the Senate Republicans say it's okay, and the Senate Democrats say it's okay, and the President says it's okay, and the House Democrats say it's okay, and more importantly, if the American people say it's okay, it somehow isn't usually okay with them.

So what Mr. MCGOVERN is saying is this: until we keep the student loan rates low, and until we pass a jobs bill to put people back to work on transportation, let's not take our 10th week of paid vacation this year. I think that's a pretty reasonable thing to do. So voting ''no'' on the previous question says let's get our work done before we go home and take our 10th week of vacation for the year. Vote ''no.''

Ms. FOXX. Mr. Speaker, I don't know about my colleagues across the aisle, it's not a paid vacation for me. I go home and spend time with my constituents and hear from them what's of concern. Maybe they're on vacation, but I know the people on our side of the aisle are not on vacation. They're

working hard for the American people, and I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentlelady how many more speakers she has on her side?

Ms. FOXX. We are prepared to close when the gentleman is prepared to close.

Mr. MCGOVERN. I'm prepared to close. How much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, our job should be to help improve the quality of life for the citizens that we represent. We ought to be investing in our economy at this very difficult time. That's why we are urging the House Republicans to join with the Senate Republicans and the Senate Democrats and the House Democrats in bringing a highway bill to the floor so we can provide some certainty to our States, so there can be more investments in infrastructure, so there can be more jobs created. That would give the American people a little something to celebrate.

We are urging my colleagues on the Republican side here in the House to join with us in making sure that interest rates on student loans don't double for a great number of young people in this country who are trying to get an education. My colleague from North Carolina would have us believe that it is no big deal. Well, it is a big deal. It's a big deal to those students and to their families. It is a big deal to those of us on this side of the aisle. And maybe that's one of the differences between the two parties. We believe college education ought to be affordable, and no one should not go to college because they can't afford the education.

Mr. Speaker, I ask unanimous consent to insert the text of an amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, the amendment basically says we're not going home, we're not leaving this place until we do our work because part of our job, I would say to my colleague from North Carolina, is not just going home and meeting with our constituents and marching in parades. Part of our job is to pass legislation that is important to the people we represent.

This highway bill is important to putting people back to work. My friends on the other side of the aisle have dragged their feet and dragged their feet and dragged their feet. I think it is unconscionable. We are running out of time. We need to start doing the people's business here. And if that means that we have to stay through the weekend, we should stay through the weekend. If we have to stay through next week, we should stay through next week. But we ought to do something meaningful.

Our job should not be about lowering the quality of life for people, and that is my problem with the appropriations process that my colleagues have pursued in this House. It is all about putting all of the burden of balancing our budget on middle-income families and on those who least can afford it. Donald Trump is not asked to pay one penny more.

Mr. Speaker, I urge my colleagues to vote ''no'' and defeat the previous question, and I urge a ''no'' vote on the rule.

I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, again, next week is the Fourth of July. We are going to be celebrating Independence Day, and I would like to say that I don't believe the job of the Federal Government is to provide things to citizens but to preserve our liberty, and that's what next week should be reminding us of.

Mr. Speaker, House Republicans are aware of the clear mandate the American people gave us. Our charge is to reduce the crushing debt that our country is currently carrying. According to the Senate Budget Committee, debt grew four times faster under President Obama than Clinton or Bush, with President Obama already having amassed more debt since taking office than did President Bush during his entire two terms in office. Today, the national debt is over $15 trillion, which amounts to nearly $48,000 for every man, woman and child in America.

It's clear without a change in leadership in the White House and Senate, the legacy we are apt to leave our children and grandchildren will be a crushing debt burden and a weaker, less secure, and less prosperous Nation. This is simply unacceptable.

The Federal Government's current budget deficits are simply unsustainable. During these tough economic times, American families are getting by on less, and the government should do the same.

When the Democrat elites were in the majority, they pushed a job-killing agenda starting with the $1 trillion failed stimulus package, followed by a massive job-killing tax hike in the form of cap-and-trade, then the job-killing ObamaCare, all the while leaving our country with record debts and deficits as unemployment skyrocketed. Recognizing that government has gotten too expensive, Republicans are here to stop the senseless Obama spending binge. That's why I urge my colleagues to support this rule and the underlying legislation.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 697 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

Strike section 4 and insert the following:

SEC. 4. Except as specified in section 5, it shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July.

SEC. 5. It shall not be in order to consider a concurrent resolution providing for adjournment on Friday, June 29, 2012, unless the Majority Leader and Minority Leader jointly certify to the Speaker in writing that the Congress has cleared for presentment to the President measures that will:

—prevent the doubling of interest rates on student loans; and

—reauthorize Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund.

___

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule

[a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Ms. FOXX. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 697 will be followed by 5-minute votes on adoption of the resolution, if requested; the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER); and the motion to instruct on H.R. 4348 offered by the gentlewoman from Tennessee (Mrs. BLACK).

The vote was taken by electronic device, and there were—yeas 226, nays 168, not voting 38, as follows:

[Roll No. 412]

YEAS—226

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NAYS—168

Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NOT VOTING—38

Ackerman
Akin
Altmire
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Gutierrez
Hastings (FL)
Holden
Huizenga (MI)
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Pence
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey
Young (FL)

□ 1856

Mr. HOLT changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 229, noes 166, not voting 37, as follows:

[Roll No. 413]

AYES—229

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Huelskamp
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell

Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—166

Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NOT VOTING—37

Ackerman
Akin
Altmire
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Gutierrez
Herger
Holden
Huizenga (MI)
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Pence
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey

□ 1903

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTIONS TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentleman from Maryland (Mr. HOYER) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 172, nays 225, answered ''present'' 1, not voting 34, as follows:

[Roll No. 414]

YEAS—172

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Walz (MN)
Waters
Watt
Waxman
Welch
Yarmuth

NAYS—225

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Calvert
Camp
Canseco
Cantor
Capito
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

ANSWERED ''PRESENT''—1

DeFazio

NOT VOTING—34

Ackerman
Akin
Blumenauer
Burton (IN)
Campbell
Clarke (NY)
Crowley
Diaz-Balart
Engel
Flake
Frank (MA)
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Jordan
Lamborn
Landry
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Meeks
Neal
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Wilson (FL)
Woolsey

□ 1909

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 4348 offered by the gentlewoman from Tennessee (Mrs. BLACK) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 201, nays 194, not voting 37, as follows:

[Roll No. 415]

YEAS—201

Adams	Gowdy	Paul
Aderholt	Granger	Paulsen
Amash	Graves (GA)	Pearce
Amodei	Graves (MO)	Pence
Austria	Griffin (AR)	Petri
Bachmann	Griffith (VA)	Poe (TX)
Barletta	Grimm	Pompeo
Bartlett	Guinta	Posey
Barton (TX)	Guthrie	Price (GA)
Bass (NH)	Hall	Quayle
Benishek	Harris	Reed
Berg	Hartzler	Rehberg
Biggert	Hastings (WA)	Reichert
Bilbray	Hayworth	Renacci
Bishop (UT)	Heck	Ribble
Black	Hensarling	Rigell
Blackburn	Herger	Rivera
Bonner	Herrera Beutler	Roby
Bono Mack	Huelskamp	Roe (TN)
Boustany	Huizenga (MI)	Rogers (AL)
Brady (TX)	Hunter	Rogers (KY)
Brooks	Hurt	Rogers (MI)
Broun (GA)	Issa	Rohrabacher
Buchanan	Jenkins	Rokita
Bucshon	Johnson (OH)	Rooney
Buerkle	Johnson, Sam	Ros-Lehtinen
Calvert	Kelly	Roskam
Canseco	King (IA)	Ross (FL)
Cantor	Kingston	Royce
Capito	Kline	Ryan (WI)
Carter	Labrador	Scalise
Cassidy	Lance	Schilling
Chabot	Lankford	Schmidt
Chaffetz	Latham	Schweikert
Coble	Latta	Scott (SC)
Coffman (CO)	LoBiondo	Scott, Austin
Cole	Long	Sensenbrenner
Conaway	Lucas	Sessions
Cravaack	Luetkemeyer	Shimkus
Crawford	Lummis	Shuster
Crenshaw	Lungren, Daniel E.	Simpson
Culberson	Mack	Smith (NE)
Davis (KY)	Manzullo	Smith (TX)
Denham	Marchant	Southerland
DesJarlais	Marino	Stearns
Dreier	McCarthy (CA)	Stutzman
Duffy	McCaul	Terry
Duncan (SC)	McClintock	Thompson (PA)
Ellmers	McCotter	Thornberry
Emerson	McHenry	Tiberi
Farenthold	McKeon	Tipton
Fincher	McKinley	Turner (OH)
Fleischmann	McMorris Rodgers	Upton
Fleming	Mica	Walberg
Flores	Miller (FL)	Walden
Forbes	Miller (MI)	Walsh (IL)
Fortenberry	Miller, Gary	Webster
Foxx	Mulvaney	Westmoreland
Franks (AZ)	Murphy (PA)	Whitfield
Frelinghuysen	Myrick	Wilson (SC)
Gallegly	Neugebauer	Wittman
Gardner	Nugent	Womack
Garrett	Nunes	Woodall
Gibbs	Nunnelee	Yoder
Gingrey (GA)	Olson	Young (AK)
Gohmert	Palazzo	Young (FL)
Goodlatte		Young (IN)
Gosar		

NAYS—194

Altmire	Becerra	Boren
Andrews	Berkley	Boswell
Baca	Berman	Brady (PA)
Baldwin	Bilirakis	Braley (IA)
Barber	Bishop (GA)	Brown (FL)
Barrow	Bishop (NY)	Burgess
Bass (CA)	Bonamici	Butterfield
Camp	Hastings (FL)	Owens
Capps	Heinrich	Pallone
Capuano	Higgins	Pascrell
Cardoza	Himes	Pastor (AZ)
Carnahan	Hinchey	Pelosi
Carney	Hinojosa	Perlmutter
Carson (IN)	Hirono	Peters
Castor (FL)	Hochul	Peterson
Chandler	Holt	Pingree (ME)
Chu	Honda	Pitts
Cicilline	Hoyer	Platts
Clarke (MI)	Hultgren	Polis
Clay	Israel	Price (NC)
Cleaver	Jackson Lee (TX)	Quigley
Clyburn	Johnson (GA)	Rahall
Cohen	Johnson, E. B.	Reyes
Connolly (VA)	Jones	Richardson
Conyers	Kaptur	Richmond
Cooper	Keating	Ross (AR)
Costa	Kildee	Rothman (NJ)
Costello	Kind	Runyan
Courtney	King (NY)	Ruppersberger
Critz	Kinzinger (IL)	Rush
Cuellar	Kissell	Ryan (OH)
Cummings	Kucinich	Sanchez, Loretta
Davis (CA)	Langevin	Sarbanes
Davis (IL)	Larsen (WA)	Schakowsky
DeFazio	Larson (CT)	Schiff
DeGette	LaTourette	Schock
DeLauro	Lee (CA)	Schrader
Dent	Levin	Schwartz
Deutch	Lipinski	Scott (VA)
Dicks	Loebsack	Scott, David
Dingell	Lowey	Serrano
Doggett	Luján	Sewell
Dold	Lynch	Sherman
Donnelly (IN)	Maloney	Shuler
Doyle	Markey	Sires
Duncan (TN)	Matheson	Slaughter
Edwards	Matsui	Smith (NJ)
Ellison	McCarthy (NY)	Smith (WA)
Eshoo	McCollum	Speier
Farr	McDermott	Stark
Fattah	McGovern	Sutton
Filner	McIntyre	Thompson (CA)
Fitzpatrick	McNerney	Thompson (MS)
Fudge	Meehan	Tierney
Garamendi	Michaud	Tonko
Gerlach	Miller (NC)	Van Hollen
Gibson	Miller, George	Visclosky
Gonzalez	Moore	Walz (MN)
Green, Al	Moran	Waters
Green, Gene	Murphy (CT)	Watt
Grijalva	Nadler	Waxman
Hahn	Napolitano	Welch
Hanabusa	Noem	West
Hanna	Olver	Wolf
Harper		Yarmuth

NOT VOTING—37

Ackerman	Gutierrez	Roybal-Allard
Akin	Holden	Sánchez, Linda T.
Alexander	Jackson (IL)	Stivers
Bachus	Johnson (IL)	Sullivan
Blumenauer	Jordan	Towns
Burton (IN)	Lamborn	Tsongas
Campbell	Landry	Turner (NY)
Clarke (NY)	Lewis (CA)	Velázquez
Crowley	Lewis (GA)	Wasserman Schultz
Diaz-Balart	Lofgren, Zoe	Wilson (FL)
Engel	Meeks	Woolsey
Flake	Neal	
Frank (MA)	Rangel	

□ 1916

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent yesterday for votes in the House Chamber today. I would like the RECORD to show that, had I been present, I would have voted "no" on rollcall votes 412, 413 and 415 and "yes" on rollcall vote 414.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday June 26, 2012 I had obligations that necessitated my attention in Philo, Illinois and missed votes on Ordering the Previous Question, H. Res. 697 the Rule providing for Consideration of H.R. 5972 and H.R. 5973, Representative HOYER's Motion to Instruct Conferees on H.R. 4348, and Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

Had I been present, I would have voted "aye" on the Previous Question and H. Res. 697. I would have voted "nay" on Representative HOYER's Motion to Instruct Conferees on H.R. 4348. Finally, had I been present I would have voted "aye" on Representative BLACK's Motion to Instruct Conferees on H.R. 4348.

PERSONAL EXPLANATION

Mr. DIAZ-BALART of Florida. Mr. Speaker, due to inclement weather, my flight was delayed and I was unable to cast the following votes. If I had been present, I would have voted as follows: rollcall vote 412, I would have voted "yea"; rollcall vote 413, I would have voted "yea"; rollcall vote 414, I would have voted "nay"; rollcall vote 415, I would have voted "yea."

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 707

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON ARMED SERVICES.—Mr. Barber.

(2) COMMITTEE ON HOMELAND SECURITY.—Mr. Barber.

Mr. LARSON of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NOTICES OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Ms. HAHN. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Ms. Hahn moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to agree to the freight policy provisions in Sec. 1115, Sec. 33002, Sec. 33003, and Sec. 33005 of the Senate amendment.

Mr. CRITZ. Mr. Speaker, pursuant to rule XXII, clause 7(c), I hereby announce my intention to offer a motion

to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Critz moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later than June 28, 2012.

PERSONAL EXPLANATION

Ms. JACKSON LEE of Texas. Mr. Speaker, during the consideration of the Domestic Energy and Jobs Act of 2012 I was unavoidably detained on business in the district; and I would like to place in the RECORD the following statements regarding the amendments:

The Hastings amendment, ''no.''
The Waxman amendment, ''yes.''
The Connolly amendment, ''no.''
The Gene Green amendment, ''yes.''
The Rush amendment, ''yes.''
The Holt amendment, ''yes.''
The Lewis amendment, ''yes.''
The Amodei amendment, ''no.''
The Markey amendment, ''yes.''
The Landry amendment, ''yes.''
The Rigell amendment, ''no.''
The Holt amendment, ''yes.''
The Wittman amendment, ''no.''
The Bass amendment, ''yes.''
The Capps amendment, ''yes.''
The Speier amendment, ''yes.''
The DeLauro amendment, ''yes.''
The Democratic motion to recommit, ''yes.''
Passage, ''no.''

Below are the descriptions of the amendments to H.R. 4480 that were voted on this past Thursday, when I was absent from votes.

Hastings (WA) Manager's Amendment (Roll 392)—Overturns the EPA designation of the Colville River in Alaska as an Aquatic Resource of National Importance and requires additional right of ways in the National Petroleum Reserve Alaska (NPR–A); makes technical changes.

Waxman Amendment (Roll 393)—Provides that the rules described in section 205(a) shall not be delayed if the pollution that would be controlled by the rules contributes to asthma attacks, acute and chronic bronchitis, heart attacks, cancer, birth defects, neurological damage, premature death, or other serious harms to human health.

Connolly Amendment (Roll 394)—Defines the term ''public health'' in the Clean Air Act as the health of humans, not corporations.

Gene Green Amendment (Roll 395)—Strikes section 206 of the bill, which would fundamentally change the way the Clean Air Act establishes national ambient air quality standards for smog. Instead of the standards being health-based, section 206 would have them be set based on the potential cost of pollution controls.

Rush Amendment (Roll 396)—Provides that Sections 205 and 206 shall cease to be effective if the Administrator of the Energy Information Administration determines that implementation of this title is not projected to lower gasoline prices and create jobs in the United States within 10 years.

Holt Amendment (Roll 397)—Seeks to reduce the number of onshore leases on which oil and gas production is not occurring as an incentive for oil and gas companies to begin producing on the leases that they already hold.

Connolly/Lewis (GA) Amendment (Roll 398)—Clarifies that the section requiring a $5,000 protest fee shall not infringe upon the protections afforded by the First Amendment to the Constitution to petition for the redress of grievances.

Amodei Amendment (Roll 399)—Prohibits the Secretary of the Interior from considering merging of the Bureau of Land Management (BLM) and the Office of Surface Mining, Reclamation and Enforcement (OSM).

Markey Amendment (Roll 400)—Prohibits oil and gas produced under new leases authorized by this legislation from being exported to foreign countries, ensuring American resources remain here to benefit American consumers.

Landry Amendment (Roll 401)—Would increase future federal deficits by raising the cap of revenue shared among the Gulf States who produce energy on the Outer Continental Shelf starting in FY2023 from $500 million to $750 million, awarding these 4 Gulf States another $6 billion in addition to the $150 billion they will already receive under current law.

Rigell Amendment (Roll 402)—Requires Lease Sale 220 off the coast of Virginia in the 5 Year Plan for OCS oil and gas drilling and to conduct Lease Sale 220 within one year of enactment. In addition, the Amendment would also ensure that no oil and gas drilling may be conducted off the coast of Virginia which would conflict with military operations.

Holt Amendment (Roll 403)—Ends free drilling in the Gulf of Mexico by requiring oil companies to pay royalties on previously royalty-free leases in order to receive new leases on public lands.

Wittman/Rigell Amendment (Roll 404)—Would establish a new regulatory program and waive environmental review for the Bureau of Ocean Energy Management (BOEM) to approve temporary infrastructure, such as towers or buoys, to test and develop offshore wind power in the Outer Continental Shelf.

Bass (CA) Amendment (Roll 405)—Requires the newly created interagency committee to analyze how to protect American consumers from gasoline price spikes by reducing America's dependence on oil.

Capps Amendment (Roll 406)—Removes the requirements in Title II of the bill to conduct an analysis, issue a report, and delay rules if the Secretary of Energy determines that the analyses are ''infeasible to conduct, require data that does not exist, or would generate results subject to such large estimates of uncertainty that the results would be neither reliable nor useful.''

Speier Amendment (Roll 407)—Strikes language in the underlying legislation that would require drilling permits to be deemed approved a 60 day deadline, which could expose public lands to undue risk.

DeLauro/Markey/Frank Amendment (Roll 408)—Would require $128 million received from the sale of new leases issued pursuant to this legislation to be made available to fully fund the Commodity Futures Trading Commission to limit Wall Street speculation in energy markets.

TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. LATHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5972, and that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5972.

The Chair appoints the gentleman from Washington (Mr. HASTINGS) to preside over the Committee of the Whole.

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Iowa (Mr. LATHAM) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. I yield myself such time as I may consume.

Mr. Chairman, I'm pleased to present the fiscal year 2013 Transportation, Housing and Urban Development appropriations bill to the House.

Before we get to the bill, I'd like to take a moment to congratulate my colleague and ranking member of this subcommittee, JOHN OLVER, for his many years of service. As many of you may know, Mr. OLVER is retiring at the end of this Congress. I have to say he'll be sorely missed by all of us. This is a better bill because of his relentless quest for knowledge about its programs. I thank you, JOHN OLVER, for your service, not just to this institution, but to the Nation. Thank you very, very much. You're a great, great partner. You'll be missed.

The bill before the committee today is a balanced proposal on how to allocate $51.6 million among Federal housing and transportation programs across the Nation. Continuing our commitment to reduce government spending, our allocation is almost $4 billion below fiscal year 2012 and almost $2 billion below the President's request. The

bill also reflects the budget resolution that was passed by the House.

Mr. Chairman, we had to make some hard choices on funding levels for the agencies in this bill. We dedicated ourselves to this task while recognizing the serious fiscal constraints that the Nation faces. We also kept this bill largely free of authorizations, leaving that important work to the Transportation and Infrastructure and Financial Services Committees. We also rejected many new unauthorized programs that were proposed by the President. For transportation programs, this bill focuses on programs most critical to public safety and economic growth.

We fully fund FAA safety programs and provide $1 billion to advance the Next Generation of air traffic control. We also fund programs to support growth in commercial space and unmanned aerial systems, which will play key roles in keeping these U.S. industries on the global cutting edge. This bill rejects new fees on air passengers proposed by the President that would harm our economy at this time.

This bill funds highway and transit programs consistent with last year's levels but contingent upon reauthorization. Fortunately, Mr. Chairman, it appears that there's a positive movement on the transportation bill. Again this bill funds highways and transit consistent with last year's level but, again, contingent on reauthorization.

The bill cuts the Amtrak operating subsidy by $116 million below last year and does not fund the President's request for high-speed rail. However, the bill does provide $500 million in authorized funds to fix existing infrastructure on public passenger lines. This will immediately create jobs, as the CBO has scored it with an almost 80 percent outlay rate in the first year. We believe this is a better alternative to the administration's high-speed rail proposal.

For housing programs, this bill fully funds renewals of the section 8 vouchers, serving about 2.2 million families. We also provide $75 million for 10,000 new VASH vouchers. Those are for the homeless vets. We fully fund the budget request in that item. The bill matches the President's request for $8.7 billion for Project-Based Rental Assistance. The CDBG is funded at a $3.4 billion level, and HOME is funded at $1.2 billion.

I'd like to close by saying we tried to be balanced in our approach with this bill, but we did reject broad, new, unauthorized programs requested by the President. We also do not include other authorizing provisions requested by other Members out of deference to the ongoing work of both the T&I and Financial Services Committees.

I urge my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. I yield myself such time as I may consume.

Mr. Chairman, it is a pleasure to see the Transportation, Housing and Urban Development and Related Agencies appropriations bill for fiscal year 2013 considered on the House floor this year. And I thank Chairman LATHAM, first, for his kind words, but also for maintaining an inclusive committee process as this bill was prepared. He has been a good partner for the past 4 years, and I value our relationship.

I also want to recognize the hard work of the committee staff, specifically, on the majority side: Dena Baron, Doug Disrud, Sara Peters, Mike Friedberg, Brian Barnard, and Doug Bobbitt. And on the minority side: Kate Hallahan, Joe Carlile, and Blair Anderson.

Chairman LATHAM and I are lucky to have such dedicated staff who work amiably and respectfully together. They have spent many late nights putting this bill together, and we would not be here today without their hard work.

Mr. Chairman, the Republican leadership's decision to ignore last summer's Budget Control Act agreement has left this bill with an inadequate allocation to properly fund our transportation and housing investment needs. The resulting artificially low allocation forced Chairman LATHAM to make unnecessary and destructive trade-offs.

Specifically, I have concerns that the Ryan budget forces us to accept the administration's proposal to fund project-based section 8 contracts for less than a full year. This does not shrink the program nor reduce the deficit. It simply pushes the costs down the road and increases uncertainty for private business owners.

I'm also disappointed that this bill does not fund the sustainable communities initiative.

□ 1930

However, within the constraints forced upon him, I recognize that Chairman LATHAM has put forward a respectable bill that contains a number of bright spots, including increases for Amtrak, CDBG, the HOME program, and housing for the elderly, for which he should be commended. I hope that as the process moves forward and we receive a real allocation, that these increases will be preserved and that the holes can be addressed.

Unfortunately, I am concerned that the House Republican leadership's decision to underfund this bill is not an isolated incident, but is symptomatic of an ideology that does not understand the value of infrastructure investment.

This strategy is wrong for America.

Last year, the leaders of the U.S. Chamber of Commerce and the AFL–CIO, not usually bedfellows, agreed that we must have greater investment in our Nation's infrastructure in order to create jobs and to be competitive in the global economy.

A modern, well-maintained transportation network is absolutely necessary for our economy to grow and the country to prosper.

The breadth of direct and indirect influence of our transportation networks on the economy is staggering. Our auto manufacturing industry, its enormous parts supplier base, the national network of gas stations and its complex distribution system, and the oil industry all thrive because we have an efficient highway system that people need to use.

The physical construction of roads and railroads requires aggregate materials processed locally, steel trusses and rebar made by American companies and crews manned by American workers.

Our transit system supports the domestic manufacturing of buses, streetcars, and trains, while providing businesses with cost-effective access to labor pools.

Furthermore, every good produced or consumed in the U.S. must be transported via our network of roads, rails, and ports. As a result, the efficiency with which our system operates determines whether American goods can compete in the global marketplace.

Yet, report after report indicates that we are falling behind. The American Society of Civil Engineers infrastructure report card gave us a ''D'' and estimated that more than a $2 trillion investment is needed. DOT's most recent ''Conditions and Performance Report'' indicates that there is an annual investment gap of $27 billion just to maintain our current system of highways and bridges in a state of good repair, and a much larger gap to expand the system to meet the needs of the growing population.

The United States has the largest economy in the world, yet the World Economic Forum's most recent ranking drops America's infrastructure quality to 23rd in the world.

The reason for our infrastructure decline is simple. We are not raising enough revenue to fund our infrastructure needs. In 2000, the highway and mass transit accounts raised $35 billion. By 2011, they only raised $37 billion. When you factor in inflation, we are raising 20 percent fewer dollars for our transportation infrastructure than we did 10 years ago. This is unsustainable. During the same period, the U.S. population grew 10 percent to 309 million people; 65 percent of them live in metropolitan areas having populations greater than 500,000 people.

Our largest 50 metropolitan areas have more than 1 million in population; 13 of them, all cities in the sunbelt such as Dallas, Houston, Orlando, Phoenix, and Charlotte, grew more than 25 percent in one single decade, the last decade. Such burgeoning communities need a massive, timely expansion of both highway and transit facilities in order to ensure that rapid population growth doesn't choke their economies with congestion.

In contrast, 22 of those 50 largest areas, all older mature metropolitan areas, including Boston, New York, Philadelphia, Cleveland, Pittsburgh,

Chicago and Los Angeles, are growing slower than the national average; but their built-out highway, transit, and commute rail systems are deteriorating and need a massive, timely program of rehabilitation to simply reach a state of good repair.

Our rural areas face an even worse problem. The number of counties in rural America that are losing population is rising rapidly. With that comes disinvestment in education, health care, and public infrastructure of all shades. Yet virtually the entire rural road system must be maintained in a state of good repair or our rural areas will become ever greater pockets of poverty.

If we are to meet these changing population demographics and provide a transportation system that functions as a sound foundation and not a hindrance on our economy, Congress must find the means and grow the political courage to raise revenue.

The current debate on the surface authorization does not accomplish that. In fact, the present gridlock of debate is only effective at slowing economic growth and keeping America's unemployment high. That cannot be America's goal.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I am proud to yield 5 minutes to the chairman of the full committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the gentleman for yielding.

I rise in support of this bill. This is the sixth bill that we've considered on the House floor, which means the House is nearly halfway done with its appropriations bills for fiscal year 2013. The Appropriations Committee has considered 11 of the 12 annual bills so far this year, in record time. I'm proud of our quick and thorough progress, and also that we have been able to work in regular order, which has been the goal of this committee from the git-go last January.

The other commitment this committee made at the beginning of the Congress was to reduce discretionary spending wherever we can. In the past two fiscal years, we've cut spending by more than $95 billion and are on our way to continue reductions for a third year in a row.

I've said it before, Mr. Chairman, but this is a historic accomplishment—a record for spending reductions that this Nation has not seen since at least World War II.

The fiscal year 2013 Transportation, Housing and Urban Development Appropriations bill continues this downward trajectory, cutting $4 billion from last year's level, bringing us to the lowest level of spending for this bill since 2009.

The $15.6 billion included in this bill funds Department of Transportation agencies like the FAA, the Federal Railroad Administration, the National Highway Traffic Safety Administration, as well as critical Housing and Urban Development programs.

Within the Department of Transportation, the bill targets funds towards programs that improve the reliability, efficiency, and safety of our Nation's transportation system. This includes reducing congestion and delays for air travelers by providing nearly $1 billion for the FAA's NextGen program, carefully funding Amtrak to help build rail bridges and tunnels, and supporting construction at airports across the Nation.

These smart investments in America's infrastructure will help create an environment that supports job creation and spurs economic growth.

Overall, funding for the Department of Housing and Urban Development is cut by $3.8 billion compared with last year, but we took careful steps to ensure that this reduction didn't unfairly displace our most vulnerable populations, including persons with disabilities and the elderly.

The funding in this section of the bill prioritizes the most beneficial and cost-effective programs. We are providing section 8 vouchers for 2.2 million families—fully funding the President's request—and keeping our veterans with roofs over their heads.

We also increased funding for the Community Development Block Grant program. Throughout the bill, the chairman of the subcommittee has made policy reforms and conditions that will ensure greater efficiency and less waste.

□ 1940

The safe and responsible shepherding of taxpayer dollars is important government-wide, particularly when dealing with our Nation's infrastructure and housing.

We help guarantee that taxpayer dollars aren't slipping through the cracks by implementing strict oversight and eliminating wasteful, unnecessary programs. To this end, we provided no funding for the President's High-Speed Rail program, the unauthorized and expensive Choice Neighborhoods program, or the extraneous TIGER grants program, among other uneconomical and unnecessary initiatives. Furthermore, the bill rejects the administration's attempted accounting tricks that would enact new fees on air travelers.

There are still several moving parts in this section of the bill as we await reauthorization for the highway trust fund and its mass transit account. The committee stands ready to adjust the bill, as needed, if a multiyear authorization should be enacted.

In closing, I want to take a moment to extend my thanks and congratulations to Chairman LATHAM, Ranking Member OLVER, and the entire subcommittee for their expert work on this bill. I also want to thank the staff for both the majority and the minority; without them, the bill would not be here.

As many of you know, this is Ranking Member OLVER's final THUD appropriations bill before he retires. His leadership and his expertise, his work on this committee, and his contribution to the House as a whole are incomparable, and we will certainly miss the gentleman a great deal. Congratulations, Mr. OLVER, for a great career in this body.

Mr. Chairman, I urge my colleagues to support this bill. It smartly focuses on our key infrastructure priorities, supports a more responsible and slimmed down housing department, and holds the line on discretionary spending to a more sustainable level.

Mr. OLVER. Mr. Chairman, first I want to thank the chairman of the Appropriations Committee for his kind words as well.

Now I will yield 3 minutes to the gentlelady from Ohio (Ms. KAPTUR), who is a member of the subcommittee.

Ms. KAPTUR. I thank Ranking Member OLVER, the gentleman from Massachusetts, for recognizing me today.

First, I would like to share my appreciation for all of the work that Congressman OLVER has dedicated his life to throughout his two-decade-long career with intelligence, integrity, and honor. More recently, I would like to take a moment to recognize the work he has done the past 4 years as both chair and ranking member of the very productive, bipartisan Transportation, Housing and Urban Development Subcommittee. His presence, his experience, his moderation, his knowledge, his collegiality, and his genius will certainly be missed, and we thank him for his phenomenal service to our country.

With that, I applaud the work that both he and Chairman LATHAM have done with the subcommittee FY 2013 legislation. Unfortunately, their sense of necessary bipartisanship does not extend to the leadership of this House.

I must reference the beginning of the appropriations process and the leadership's misguided decision to undermine the Budget Control Act of 2011. The result of our negotiations last summer created a bipartisan agreement, with discretionary programs having a spending cap of $1.047 trillion. However, the Republican leadership reneged on that deal, leaving us with $19 billion less for discretionary programs essential for the American public and the American economy during this crucial moment of economic recovery.

Despite the fact that they pulled the rug out from under the committee, on transportation, Amtrak is actually funded somewhat above the fiscal year 2012 level. You know, America has 300 million people today, a little bit over that. By 2050 she will have 500 million people. We simply need leadership in this country to know that we have to meet the needs of a new day. This bill moves us in that direction.

The legislation also provides renewal of housing contracts for every eligible individual and family currently receiving them, though for two-thirds of

them, they will not get the full year renewal. This is not the moment to undermine our Nation's housing market further.

Local community programs like CDBG and HOME are funded at less than adequate levels, but we did the best we could with the allocation. An important program, the HUD-Veterans Affairs Supportive Housing program, is fully funded at $75 million, which will provide housing vouchers for over 10,000 veterans, most of them homeless across our country.

Again, I want to thank Chairman LATHAM and Ranking Member OLVER, as well as the full committee Chairman ROGERS and Ranking Member DICKS for their work. This bill is constrained by budget realities that continue to reward Wall Street insiders at the expense of the middle class and the poor. I alone can't change that, but this bill demonstrates that the Appropriations Committee does its work of maintaining a stable Federal Government as fundamental to a stable society in this great Nation.

Mr. LATHAM. Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I now yield 3 minutes to the gentlewoman from California (Ms. LEE), who is a member of the Appropriations Committee.

Ms. LEE of California. Mr. Chairman, first, let me thank our ranking member for yielding. But also, I want to thank yourself and our subcommittee chair and the entire staff for their tireless effort to bring this appropriations bill to the floor.

I also want to say to the ranking member, Mr. OLVER, that I will miss your thoughtfulness. I will miss your real clarity of purpose on all of the issues. I will miss your attention to detail and the bipartisan spirit that you bring to this Appropriations Committee. I just have to say I wish you the best, as you close this chapter of your life and begin the next chapter, but I'm going to miss you deeply—as we've heard tonight and we will hear until you begin this next chapter. So thank you again so much for your service. And most importantly, I just want to thank you for your friendship.

Yes, as a member of the Appropriations Committee, I really understand the constraints which we have been working under, but I cannot support the inadequate sub-allocation in this bill.

Mr. Chairman, this bill does not meet the basic responsibilities that we have to the American people. It shortchanges key housing and transportation initiatives which would rebuild America and put construction workers back on the job. And in a time of great need, this bill does not include a single dollar for the TIGER grant program.

Like many communities across the Nation, including in my home district, especially in my city of Oakland, California, we continue to struggle with high unemployment and crumbling infrastructure. Smart investments in infrastructure, such as TIGER grants, create jobs and fix our infrastructure.

Tonight, Congresswoman MAXINE WATERS will offer an amendment to add $500 million in TIGER funding. I'm very proud to cosponsor this amendment. I appreciate Congresswoman WATERS bringing this forward because this is a very important amendment for us to support. So I hope all Members will support that $500 million increase in TIGER funding.

In addition to shortchanging our transportation needs, this bill fails to invest in our Nation's critical affordable housing stock. I know the chairman and Mr. OLVER remember in committee I tried to begin the debate on increasing the project-based section 8 voucher program because landlords and developers and tenants are going to be shortchanged if we don't fix this. Hopefully, that amount will be increased in the Senate.

Now, in the middle of a housing emergency, gutting support for affordable housing for our Nation's seniors, the disabled, families and children, that's just plain wrong. Republicans supported bailouts to Wall Street, but even the smallest programs to help families on Main Street like Choice Neighborhoods and Sustainable Communities, those initiatives are completely zeroed out.

This bill fails to fund the National Affordable Housing Trust Fund, which Senator SANDERS and myself initiated when we both were on the Banking Committee many years ago.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield an additional minute to the gentlewoman.

Ms. LEE of California. Thank you very much.

This bill, as I said a minute ago, this fails to fund the National Affordable Housing Trust Fund—very important initiative. Senator SANDERS and myself, we initially put forth this idea when we were both on the Banking Committee. This was an excellent idea, it was an excellent bill, it was an excellent program which would build the desperately needed housing. It would create thousands of construction jobs, which would of course boost the entire economy.

□ 1950

This bill that we're debating tonight does not fund that, and that is really too bad. The American people need Congress to invest in our Nation's infrastructure. We cannot build a strong and prosperous Nation if our roads and bridges are crumbling beneath our feet. We cannot build a strong economy if we leave millions of Americans in poverty at the risk of homelessness and struggling to find a good-paying job.

So I urge Members to oppose this bill. But again, I want to thank the chairman and the ranking member for working on the subcommittee bill in the spirit of bipartisanship. But I think it just falls short for many of us to support.

Mr. LATHAM. Mr. Chairman, I continue to reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the ranking member, and I thank the chairman of the full committee, of the subcommittee, both chair and ranking member.

I do too want to take a moment to thank the ranking member for his long service to this Nation. As he has been a member of the Appropriations Committee, we can count his work inside this House. But I really think the American people, Mr. OLVER, owe you a moment of gratitude for the work and commitments that you've shown in making sure that those who need help can get help, and I want to pay tribute to you this evening.

I also want to indicate that we understand that we are living in difficult times. But I raise concerns about funding, living in the fourth largest city in the Nation, where we see enormous congestion, and the importance of transit dollars; $900 million, fortunately, came to Houston after a long, long wait to build a light-rail system. Those dollars need to continue.

Housing plays a very important role. In the city of Galveston, for example, they have been the recipient of $700 million after Hurricane Ike to use for the restoration of private housing, infrastructure and, of course, public housing. To cut those lines of funding will, in essence, impact communities around the Nation that are impacted by disaster. Losing the full funding of the TIGER grant—and I support the gentlelady from California, Ms. WATERS' amendment to restore those dollars—they create jobs.

So it is important, as we look at this bill, that we look at it from the perspective of solving the hurt of Americans who've been impacted by disaster, of improving mobility, ensuring that we put Americans back to work with funding for transportation and the infrastructure. I cite Galveston in particular because there is a conflict going on with respect to the importance of public and private housing.

The CHAIR. The time of the gentlewoman has expired.

Mr. OLVER. I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE of Texas. The situation in Galveston resulted from a unique impact of Hurricane Ike. Mr. Chairman, most think that the surge would come from the larger body of water, but the surge came from the bay and really impacted low-income individuals who didn't have any flood insurance or had already paid for their house, it had been in their families for years. And through the largesse of the Congress and HUD, a $700 million package was presented to restore that area and those houses and those families, many of whom I visited in tents.

We have a situation where there's a misunderstanding of the value of those Federal funds, but we do have those Federal funds; and it is in tribute to this Congress, and I want to see funds for public housing, for affordable housing continue.

With that, I would hope that we have an opportunity in the conference or have an opportunity to restore the funds that have had to be cut, because they create jobs, they provide a lifeline for those impacted by disaster, and they create the mobility and infrastructure rebuild that America needs.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, again, I want to congratulate my good friend, Mr. OLVER, and second what he said. The staff on both sides does an outstanding job for this subcommittee and for the country. It's a marvel to watch them work together and to come to this bill.

So with that, Mr. Chairman, I yield back the balance of my time.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment printed in section 3 of House Resolution 697 is adopted. During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $108,277,000, of which not to exceed $2,635,000 shall be available for the immediate Office of the Secretary; not to exceed $992,000 shall be available for the Immediate Office of the Deputy Secretary; not to exceed $19,615,000 shall be available for the Office of the General Counsel; not to exceed $11,248,000 shall be available for the Office of the Under Secretary of Transportation for Policy; not to exceed $12,825,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed $2,601,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed $27,095,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed $2,034,000 shall be available for the Office of Public Affairs; not to exceed $1,701,000 shall be available for the Office of the Executive Secretariat; not to exceed $1,539,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $10,875,000 for the Office of Intelligence, Security, and Emergency Response; and not to exceed $15,117,000 shall be available for the Office of the Chief Information Officer: *Provided*, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided further*, That no appropriation for any office shall be increased or decreased by more than 5 percent by all such transfers: *Provided further*, That notice of any change in funding greater than 5 percent shall be submitted for approval to the House and Senate Committees on Appropriations: *Provided further*, That not to exceed $60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: *Provided further*, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to $2,500,000 in funds received in user fees: *Provided further*, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

AMENDMENT OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 3, strike ''not to exceed''.

Page 3, line 11, after ''Secretary'' insert ''(except for the Office of Small and Disadvantaged Business Utilization)''.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Chairman, again, as I rise to my feet, I do want to acknowledge both the staffs of the chairman of the subcommittee and the ranking member of the subcommittee for working with my office. And I again want to acknowledge the ranking member, Mr. OLVER, again for his service to the Nation, but also for the times that he has worked with Members over the years and for his commitment, again, to the most vulnerable.

This is a bill that really addresses the needs of Americans in their most deepening and expanded need, as I said earlier, mobility, housing, so crucial, infrastructure, and the ability to create jobs and to do good in our municipalities and rural areas. But it is also an opportunity to build capacity, to grow jobs and to build small businesses. And I know that firsthand, working consistently throughout a number of appropriations bills and authorization bills and as a ranking member on the Subcommittee on Transportation Security. In addition to our main task is to look to the needs and help build capacity in America's small businesses.

My amendment will ensure the necessary funds that are appropriated specifically for the Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for any other purpose.

Small businesses, women-owned businesses, minority-owned businesses represent more than the American Dream. They represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, provide three out of four new jobs in this country; and allocation reduction directly undermines the importance of small businesses, including women-owned businesses and minority-owned businesses to the success of our economy.

Mr. Chairman, many of our utilization, or the utilization of Federal funds, going to our local transit agency, for example, in the instance of Houston Metro, the structure of receiving the funds is something called ''design build.'' Many around the country are using that format, which means that the corporation or the retained contractor has overriding control over the distribution of those funds in the construction of that light rail.

I celebrate light rail. I celebrate the importance of light rail and have done so for the time that I've had the privilege of serving Houston and the 18th Congressional District. But in this instance, it's important to note that in the course of the design build for Houston Metro and HRT, they have dropped their commitment to small minority- and women-owned businesses.

□ 2000

What did I say?

Dropped the commitment—dropped it poorly, dropped it with a negative impact, dropped it impacting women-owned businesses and minority-owned businesses. We've got to get back in order to be able to show that the utilization of those businesses creates jobs. Small businesses have lost an estimated $13.8 billion in business opportunity because they cannot fairly compete for Federal contracts because larger companies are allowed to bundle contracts. In essence, HRT has self-performed instead of sharing those dollars.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization, OSDBU, as part of the Small Business Act because it recognizes the threat big businesses pose to small business success. Since the OSDBU's creation, it has been a voice for small business and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous. Each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, the Women's Procurement Assistance Committee provides women-owned businesses with best practices of business growth and increases awareness of opportunities.

I met on the job, Mr. Chairman, a woman who had taken over the business of her husband, who had died of cancer. She had a household to lead, and she was trying to do this kind of construction work. At the time, she

had been given by HRT safety work, just holding up a sign. I'm glad because of the encouragement, the utilization of this particular office, our office pushing, that she now is more advanced in the contract that she is securing. But it has to be encouraged.

This amendment is to ensure that we don't leave out small disadvantaged, women-owned and minority-owned businesses. The office's short-term lending program is able to give qualifying small businesses loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses. My home State of Texas was chosen as the headquarters for the OSDBU gulf region. In my home city of Houston, Texas, there are more than 60,000 women-owned businesses and more than 60,000 African American-owned businesses and thousands of other businesses—Asian and Latino.

I am asking my colleagues to support this amendment because it is an amendment that ensures that we put minority-, women-owned and disadvantaged small businesses to work under this legislation.

Mr. Chair, I rise today to offer my amendments to ''the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act for Fiscal Year (FY) 2013.'' My amendments will assure the necessary funds that are appropriated specifically for the Office of Small and Disadvantaged Business Utilization and the Minority Business Resource Center cannot be used by the Secretary for another purpose, thereby protecting the funds for their intended use.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country. An allocation reduction directly undermines the importance of small businesses including women-owned business and minority-owned business to the success of our economy.

Small businesses have lost an estimated $13.8 billion in business opportunity because they could not fairly compete for federal contracts because larger companies are allowed to bundle contracts.

The Department of Transportation created the Office of Small and Disadvantaged Business Utilization (OSDBU) as part of the Small Business Act because it recognizes the threat big businesses pose to small business success.

Since the OSDBU's creation, it has been a voice for small and disadvantaged business, ensuring these businesses are provided with the maximum ability to participate in the agency's contracting selection process for contract and subcontract jobs.

These office divisions are numerous; each of the offices impacts America's entrepreneurs and business ventures in several key ways. For instance, its Women's Procurement Assistance Committee (WPAC) provides women-owned businesses with best practices for business growth and increases awareness of the opportunities these businesses have to participate in transportation-related contracts and subcontracts.

The office's short term lending program is able to give qualifying small business loans with competitive interest rates for DOT contracts and subcontracts.

In conjunction with the OSDBU, the Minority Business Resource Center is responsible for promoting the use of small businesses in prime and subcontracting opportunities in accordance with Federal laws, regulations and policy.

Through its funding, the Center is able to offer several professional development services, including: market research, business training, counseling, technical assistance, and access to capital for transportation related projects.

My home state of Texas was chosen as the headquarters for the OSDBU gulf region program.

In my home city of Houston, Texas there are more than 60,000 women owned businesses, and more than 60,000 African American owned businesses.

The OSDBU supports qualifying businesses who attempt to secure contracts and subcontracts with the DOT. In addition, its women internship program sponsors 12 schools in the gulf region women's internship program.

Shifting funds for the OSDBU and the Minority Business Resource Center will hinder its ability to continue fair hiring practices, which will in turn affect small businesses' ability to secure top contracts, provide employment opportunities in their community and ultimately survive in the business world.

This will send the message that Congress is more concerned with the strength of big business, than assisting the DOT in partnering with everyday American business men and women who take pride in their companies, and only aspire to positively empower their communities and create economic stability in the nation. For these reasons and more I urge my colleagues to protect funds for the DOT's budget for the Minority Business Resource Center and the OSDBU.

Moreover, 99 percent of all independent companies and businesses in the United States are considered small businesses. They are the engine of our economy, creating two-thirds of the new jobs over the last 15 years. America's 27 million small businesses continue to face a lack of credit and tight lending standards, with the number of small businesses loans down nearly 5 million since the financial crisis in 2008.

According to the U.S. Small Business Administration, these small businesses account for 52 percent of all U.S. workers. These small businesses also provide a continuing source of vitality for the American economy. Small businesses in the U.S. produced three-fourths of the economy's new jobs between 1990 and 1995, and represent an entry point into the economy for new groups. Women, for instance, participate heavily in small businesses.

The number of female-owned businesses climbed by 89 percent, to an estimated 8.1 million, between 1987 and 1997, and women-owned sole proprietorships were expected to reach 35 percent of all such ventures by the year 2000. Small firms also tend to hire a greater number of older workers and people who prefer to work part-time.

A major strength of small businesses is their ability to respond quickly to changing economic conditions. They often know their customers personally and are especially suited to meet local needs.

There are tons of stories of start-up companies catching national attention and growing into large corporations. Just a few examples of these types of start-up businesses making big include the computer software company Microsoft; the package delivery service Federal Express; sports clothing manufacturer Nike; the computer networking firm America OnLine; and ice cream maker Ben & Jerry's.

We must always ensure that we place a high level of priority on small businesses.

It is equally important that we work towards ensuring that ALL small businesses receive the tools and resources necessary for their continued growth and development.

American small businesses are the heart beat of our nation. I believe that small businesses represent more than the American dream—they represent the American economy.

Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans and programs.

Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

I have worked hard to help small business owners to fully realize their potential. That is why I support my amendments which will ensure funding directed to entrepreneurial development offices and centers, such as the office of the Small Disadvantage Business Utilization and the Minority Business Resource Center are remained in tact. These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing. We must consider what impact changes in this appropriations bill will have on small businesses.

There are 5.8 million minority owned businesses in the United States, representing a significant aspect of our economy. In 2007, minority owned businesses employed nearly 6 million Americans and generated $1 trillion dollars in economic output.

Women owned businesses have increased 20% since 2002, and currently total close to 8 million. These organizations make up more than half of all businesses in health care and social assistance.

My home city of Houston, Texas is home to more than 6o,000 women owned businesses, and more than 60,000 African American owned businesses.

According to a 2009 report published by the Economic Policy Institute, ''Starting in 2004, the Small Business Administration (SBA) set goals for small business participation in federal contracts. It encouraged agencies to award contracts to companies owned by women, veterans, and minorities or those located in economically challenged areas and gave them benchmarks to work toward. The targets are specific: 23% of contracts to small business, 5% to woman-owned small businesses, and 3% to disabled veteran-owned and HUBZone small businesses.''

Women and minority owned businesses generate billions of dollars and employ millions

of people. They are certainly qualified to receive these contracts. A mandatory DOD outreach program would make women and minority owned businesses aware of all of the contract opportunities available to them.

FACTS: SMALL BUSINESS ARE IMPORTANT BECAUSE THEY:

(1) Represent 99.7 percent of all employer firms,

(2) Employ just over half of all private sector employees,

(3) Pay 44 percent of total U.S. private payroll,

(4) Generated 64 percent of net new jobs over the past 15 years,

(5) Create more than half of the nonfarm private gross domestic product (GDP),

(6) Hire 40 percent of high tech workers (such as scientists, engineers, and computer programmers),

(7) Are 52 percent home-based and 2 percent franchises,

(8) Made up 97.3 percent of all identified exporters and produced 30.2 percent of the known export value in FY 2007,

(9) Produce 13 times more patents per employee than large patenting firms and twice as likely as large firm patents to be among the one percent most cited.

Mr. LATHAM. Will the gentlewoman yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, we will be more than happy to accept the amendment.

Ms. JACKSON LEE of Texas. I thank the gentleman for accepting the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

The CHAIR. The Clerk will read.

The Clerk read as follows:

FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, $10,000,000, to remain available through September 30, 2014.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 6, after the first dollar amount, insert ''(reduced by $5,000,000)''.

Page 35, line 7, after the dollar amount, insert ''(increased by $5,000,000)''.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Chairman, my amendment underscores the point that we need to be doing more, not less, to combat the dangerous habit of distracted driving on our Nation's roadways.

Earlier this evening, we voted on a motion to instruct conferees on the highway bill to reject the Senate's bipartisan proposal to partner with the States on prevention strategies, and the bill before us now provides no additional funds to address what Transportation Secretary LaHood has identified as an epidemic in this country. Traffic accidents caused by distracted driving are on the rise in communities everywhere in this country.

In my home county, our police department in Fairfax County reported a 48 percent increase in the number of citations issued for distracted driving in the last year. A recent study by Virginia Tech Transportation Institute points out 80 percent of all crashes and 65 percent of all near crashes have involved driver distraction. Nationally, the Department of Transportation reports that more than 416,000 people were injured in distracted driving accidents in 2010. Tragically, Mr. Chairman, 3,100 of those people were killed.

According to a recent AAA Foundation for Traffic Safety survey, 94 percent of respondents recognized the risks of talking, texting, or emailing while driving and said such activities are unacceptable. And 87 percent said they supported laws against reading, typing, or sending text messages while driving. Yet more than one-third of those same drivers reported they still read or send texts or email while driving. In fact, the National Highway Traffic Safety Administration estimates that more than 100,000 drivers are texting and that more than 600,000 are using their cell phones at any given time on our Nation's roadways.

Sending or receiving texts diverts one's attention from the road for an average of 4.6 seconds. While that may not seem like a long time, at 55 miles per hour, it is the equivalent of driving the length of a football field without paying attention to the road. A report from the University of Utah goes so far as to say that using a cell phone to talk or text delays a driver's reaction time just as much as having a blood alcohol level of .08, the legal limit.

I congratulate the 39 States, the District of Columbia, and Guam for taking steps to ban text messaging for all drivers, but the force of these laws varies. In my home State of Virginia, for example, it is a secondary offense, so drivers cannot be pulled over or cited unless they're breaking some other law deemed more serious. That's why we need to beef up prevention efforts, particularly among younger drivers, Mr. Chairman.

I hosted a teen driving summit when I was chairman of Fairfax County a few years ago. Distracted driving is the number one killer of teen drivers in America. Alcohol-related accidents among teens has, thankfully, dropped. Teenage traffic fatalities have remained virtually unchanged, however, as a result of the growth of accidents caused by the distraction from texting or talking on the phone. What is shocking is that 35 percent of teens who talk or text while they're behind the wheel actually do not think they'll get hurt.

I hear my colleagues talk about their support for traffic safety and about efforts to discourage distracted driving, but I don't see any tangible actions to address this challenge in each of our communities.

In his blueprint for ending distracted driving, Secretary LaHood endorses efforts to work with the automakers to apply technology being marketed to block cells while one is in motion or to improve crash warning and driver monitoring systems to prevent accidents caused by distracted driving. The Secretary has also proposed partnering with States on tougher prevention efforts and public awareness campaigns.

Mr. Chairman, in today's mobile device-driven society, distracted driving is quickly becoming our greatest obstacle to ensuring safety on our Nation's roadways, and it will only get worse. I urge my colleagues to support this simple amendment. It's a modest transfer of funds from an administrative account to increase distracted driving research and prevention efforts. This will save lives.

Recently, there was a tragic accident in Iowa of a young lady who was driving while texting, which caused an accident and a fatality. In my home county of Fairfax, when I was chairman, I remember having to talk to the grieving parents of a young woman who had been texting while driving and who wrapped herself around a tree and died a few short blocks from her home. Looking in the face of a parent and having to explain why that could have been prevented is something I hope none of my colleagues ever have to do. I plead with my colleagues on the other side to accept this amendment and to save teenage lives.

I yield back the balance of my time.

Mr. LATHAM. I rise in opposition to this amendment.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, it takes $5 million from the DOT's Financial Management Capital account and puts it in Operations for Vehicle Safety. Let me say that there is no guarantee that DOT will use this money as the gentleman has talked about.

□ 2010

There's no dedication of funds here, obviously.

First, this would eliminate half of the funds the DOT has to make sure its financial systems are current. I don't need to tell anyone here how critical it is that DOT's financial systems, which govern the accurate disbursement of many billions of dollars each year, need to be kept in a good working state.

Second, this would increase the vehicle safety portion of NHTSA's operations. We're already giving this account $12 million more than last year, after it was frozen for the last 3 years straight. We simply don't need that additional increase.

Again, with these funds, there's no way to dedicate them to distracted driving.

With that, Mr. Chairman, I would urge a ''no'' vote, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I find it a little bit difficult here where we're taking from one place and putting it into another place. I don't dispute what the chairman has said about not being certain that the money will be used for the right purpose at that point; however, the place where the offset is being made from the Financial Management Capital program under DOT, that amount leaves that account with the same amount that was in the account in 2012. That should not be a particularly onerous change on that score.

On the other hand, the issue that the gentleman from Virginia has raised, the issue of the distracted driving and how important it is, we are just losing a lot of young people to distracted driving. There seems to be no sense that being on a cell phone or an iPad or some other of the common IT programs that are now available, working with that doesn't seem to lead to any sense that their driving capacity has been impaired.

In 2010, NHTSA estimated that more than 3,000 people were killed and more than 400,000 were injured in distracted driving crashes. Secretary LaHood has made the elimination of distracted driving one of his key safety priorities and has requested funding in each of the last three budgets to do that. It seems to me, with the sense that NHTSA views this issue of 3,000 killed, as they say, in 2010, 2 years ago already, and more than 400,000 injured and the Secretary's very strong interest in the distracted driving issue, that this would be a perfectly reasonable thing to do.

With that, I will support the gentleman from Virginia's amendment, and I yield the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. CONNOLLY of Virginia. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

The Clerk will read.

The Clerk read as follows:

CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, implementation of enhanced security controls on network devices, and enhancement of cyber security workforce training tools, $6,000,000, to remain available through September 30, 2014.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $9,773,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 22, after the dollar amount, insert ''(reduced by $389,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $389,000)''.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Mr. Chairman, my amendment is very straightforward. It would simply reduce the overall funding for the Office of Civil Rights within the Department of Transportation by $389,000.

This office is one of 13 in the underlying bill which are slated to receive increases for administrative expenses, despite the fiscal emergency that we're currently facing. The passage of this amendment would simply bring this account back to fiscal year 2012 levels.

I see my good friend from Texas, SHEILA JACKSON LEE. She knows we have fought together very hard for civil rights and civil liberties here in this House, in committee as well as on the floor, and believe very strongly that we need to protect our civil liberties and our civil rights. But the simple truth is that we're broke as a Nation, and this amendment would just simply keep funding at the current level instead of raising it. It would just turn it back—what's proposed in the underlying bill—to the current level of spending, but not reduce any functions of this office. It would not prohibit this office from doing any of its work. It would help, in a small way, to put us back into a more realistic fiscal state as a Nation because, Mr. Chairman, we just have to stop spending money that we don't have.

It's across the board. Every bureau, every office, every bit of the Federal Government needs to not have increases in their costs to the taxpayer, not have further borrowing of money that we just don't have. We've just got to stop spending money we don't have. This simple amendment keeps funding at our current level. That's all it does.

With that, I urge support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I yield to the gentlelady from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman for yielding.

My good friend from Georgia knows we've had a lot of opportunities to work together on many different issues. It seems as if he is raising an issue that would have a sense of agreement, but I have to reluctantly and vigorously oppose the gentleman's amendment.

The Office for Civil Rights in the Department of Transportation losing the amount of money that he has suggested will deprive that office of viable and important staff and resources for compliance.

Frankly, this agency governs billions of dollars of Federal dollars. In addition, it governs actions that deal with accommodations, the utilization of dollars for small, minority, and disadvantaged businesses. The civil rights section has been a section that has ensured that the Federal dollars in transportation are used in a way that is not discriminatory.

I don't believe, in 2012, we need to be rising to eliminate opportunity. We need to expand opportunity. The civil rights section of the Department of Transportation has always been a consistent and efficient subsection of the agency that has been the guidepost of ensuring that our Federal dollars are used appropriately as it relates to Native Americans, used appropriately as it relates to Latinos, African Americans, Caucasians. It is a civil rights office that balances and ensures nondiscrimination, including nondiscrimination against the disabled.

□ 2020

And, frankly, I believe that because of the massiveness of that responsibility—particularly as we look at the needs of the disabled in transportation resources or transportation utilization—that it is crucial that we do not cut to the existing amount of dollars. This is not a lot.

So the impact is greater than what the gentleman believes he will have because he suggests that it is a small amount. It is a great impact. And I would ask the gentleman to consider this amendment as one that has a far-reaching impact and that at this point we do not want to make a statement that civil rights and the equal accommodations that are necessary and the utilization of Federal dollars is acceptable, meaning discrimination is acceptable. Nondiscrimination being, if you will, limited by the funding that has been cut through this amendment. I would ask that our colleagues oppose the amendment.

Mr. OLVER. Reclaiming my time at this point, I strongly oppose this amendment.

I think that in this instance, we should understand that the major task of the Office of Civil Rights is to ensure that discrimination doesn't occur in the implementation of DOT programs.

The chairman of the subcommittee has already carefully weighed the needs of the office and made, I think, a responsible judgment as to the correct funding amount. I urge Members to oppose the amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Before yielding to the gentleman, just let me make a quick statement here.

Just so everybody knows, the increase that's in the bill is a simple increase for inflation to pay for costs such as the GSA rent and one extra compensable workday. Transportation is important to all parts and all people in America.

I just don't think this is the right cut to make in this kind of a bill. And I think we should always keep in mind that on our allocations, we have written the total appropriation bills to the 1028 number, rather than 1047. This bill already cuts about $4 billion under last year's funding level.

So with that, I stress my opposition to the amendment, and I would gladly yield to the gentleman from Georgia.

Mr. BROUN of Georgia. I thank the gentleman from Iowa for yielding.

I believe in ''equal under the law.'' We all ought to be considered equal, no matter what color our skin is, no matter who the fathers of our own families are, et cetera. I think everybody should be treated equally under the law.

And, certainly, as I stated—I apologize if the gentlelady from Texas thought that I was insinuating that she would agree with this amendment, because I never had any dreams that she would, frankly.

But with that, I'm introducing a lot of amendments to this bill to reduce administrative expenses and salaries for many, many of the different pieces of this underlying bill. And this is just one of many. But I'm convinced that I need to withdraw this amendment.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $8,000,000.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, after line 6, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

Ms. WATERS (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading.

The CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. LATHAM. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. The gentleman from Iowa reserves a point of order.

The gentlewoman from California is recognized for 5 minutes.

Ms. WATERS. Mr. Chair, I thank my colleagues BETTY MCCOLLUM, BARBARA LEE, EMANUEL CLEAVER, KAREN BASS, LAURA RICHARDSON, BOBBY RUSH, and DORIS MATSUI all for cosponsoring this amendment. Our amendment will provide $500 million for the TIGER program, which creates jobs through investments in transportation infrastructure.

The economy is struggling to recover from the recession. The unemployment rate has remained above 8 percent nationally for 40 straight months and is even higher in minority communities and in many areas of the country. Meanwhile, the American Society of Civil Engineers' ''2009 Report Card for America's Infrastructure'' estimated that there is a $549.5 billion shortfall in investments in roads and bridges and an additional $190.1 billion shortfall in investments in transit.

TIGER, formally known as Transportation Investment Generating Economic Recovery, is a nationwide competitive grant program that creates jobs by funding investments in transportation infrastructure by States, local governments, and transit agencies. TIGER funds projects that will have a significant impact on our Nation's highway and transit infrastructure.

TIGER could finance a wide variety of innovative highway, bridge, and transit projects in urban and rural communities all across this country, provided there is sufficient funding. One such project is the Crenshaw/LAX transit corridor in Los Angeles County, a light-rail project that will run through my district. TIGER grants could be used to finance stations along this corridor in the communities of Leimert Park and Westchester, thereby ensuring that these communities have access to light rail.

According to Transportation Secretary Ray LaHood:

> These are innovative 21st-century projects that will change the U.S. transportation landscape by strengthening the economy and creating jobs, reducing gridlock and providing safe, affordable, and environmentally sustainable transportation choices.

TIGER received an appropriation of $500 million in fiscal year 2012, and the President requested $500 million for the program in funding year 2013. Unfortunately, THUD does not include any funding for TIGER. Our amendment would create jobs by funding TIGER at the requested level without cutting funding for other programs.

Last week, I introduced H.R. 5976, the TIGER Grants for Job Creation Act, which would provide a supplemental emergency appropriation of $1 billion over the next 2 years for the TIGER program; and 44 of my colleagues have already cosponsored this bill.

So I would ask my colleagues to take a look at what is happening in our economy. I think we can all agree this economy needs stimulating. And certainly I'm not talking about stimulating just for stimulating's sake. I'm talking about stimulating for job creation and for the repair of the infrastructure of this country.

We have too many bridges that have been rated unsafe. We saw what happened in Minnesota just a couple of

years ago when the bridge fell; and I want to tell you, when the bridges start to fall and the infrastructure simply disintegrates, we're all going to sit around and scratch our heads and say how sorry we are. We're going to go to our constituents and tell them, We will never let it happen again. We have the opportunity to get in the forefront of providing this stimulus to our economy and creating jobs.

Our constituents want to work. They want jobs. So I would urge my colleagues to support the TIGER amendment, invest in our crumbling infrastructure, and create good jobs in communities across the United States.

I would yield the balance of my time to the gentlelady from Ohio.

□ 2030

Ms. KAPTUR. I thank the gentlelady for yielding.

I rise in support of the Waters TIGER grant amendment. I agree with the gentlelady that there's no stronger job creator than investment in transportation: Bridges, transit systems, overpasses, passenger rail, port development. It makes America more efficient, and it makes us more competitive. And there's never been a more critical moment than now to do it.

As kids, we used to sing this song:

London bridge is falling down, falling down. London bridge is falling down. One, two, three, we all fall down.

Well, we saw what happened in Minnesota when that bridge fell down.

In Cleveland, the Inner Belt Bridge project did not receive the $125 million needed to continue to replace the aging I–90 bridge. The current bridge is being used well beyond its intended lifespan, and is the same design as the bridge that collapsed in Minneapolis in 2007.

In NW Ohio, there is a smaller project in need of funding. McCord Road in Holland, Ohio is the site of Nortfolk Southern's main line and Amtrak. Two high school students from Springfield High School were involved in a tragic accident there in 2009—one lost their life and one was permanently injured, having lost a leg.

The McCord Road project requested just $10 million. However, it did not receive funding with this round of TIGER grants.

There are thousands more projects like this across the Nation, both large and small, but all in great need of investment from the federal government.

I urge my colleagues to support this funding for National Infrastructure Investments. Let's build America's homeland forward and put America to work in the process.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and therefore it violates clause 2 of rule XXI.

The rule states, in pertinent part:

''An amendment to a general appropriation bill shall not be in order if changing existing law.'' The amendment gives affirmative direction in effect and imposes additional duties.

I ask for a ruling from the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

Ms. WATERS. Mr. Chairman, I rise to speak on the point of order.

The CHAIR. The gentlewoman from California is recognized.

Ms. WATERS. In the limited time that we have to speak on these important issues, I have tried to point out the high unemployment in this country and how we can put Americans to work repairing crumbling roads and building transit facilities across our great country. I don't see any need to have to expand on this anymore. I think the point is perfectly clear that we need to fund this TIGER grant.

With the economy still struggling to recover from the recession and millions of Americans looking for work, we should not be arguing about offsets. TIGER has always been funded through the appropriations process. TIGER was first created——

The CHAIR. The gentlewoman will suspend. The gentlewoman must speak to the point of order.

Ms. WATERS. A point of order has been raised because there is no offset. And I agree there is no offset. But I make the point that we have such a critical need for jobs and investment in our infrastructure and this economy that we should not stop this from going forward simply because of the offset. We can afford to fund investment in this country.

That's my opposition to the point of order.

The CHAIR. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. First of all, I want to congratulate the gentlelady from California for an insightful amendment, and I understand the dilemma that the chairman of the subcommittee is in. But what I would suggest is that we are in such a crisis as relates to both jobs and the needs of urban America, rural America, that the point of order should be waived. And it can be waived. We have waived points of order on a number of occasions. In this instance, I think we have a moment when you have zeroed out for whatever the purposes or reasons for zeroing out, and there's not even minimal amounts of money in the TIGER funding. None at all.

Having just left my district on this past Friday, receiving $15 million in TIGER grants, the first that the city of Houston, the fourth-largest city in the Nation, has ever received, but in that granting there were urban and rural grantees that were able to create jobs.

The CHAIR. The gentlewoman will suspend. The gentlewoman must confine her remarks to the point of order.

Ms. JACKSON LEE of Texas. Thank you, Mr. Chairman.

And so my argument would be that because of the economic crisis, this is warranting a waiver of the point of order so the gentlelady's amendment can go forward: $500 million that will be utilized to create jobs to rebuild urban and rural America.

I would ask that the point of order be waived.

The CHAIR. Does any other Member wish to be heard on the point of order?

Ms. KAPTUR. I rise to speak against the point of order.

The CHAIR. The gentlewoman from Ohio is recognized.

Ms. KAPTUR. I wish to say it's amazing what we can find money for and what we can't find money for. When Wall Street came in here, in a flash in a weekend, $700 billion walked out the door—a thousand times more than the gentlelady is asking for. And it would seem to me that with this point of order, there's never been a more critical time in our country to waive it in order to do the job of America.

I mentioned the Minneapolis bridge that collapsed. Well, I can tell you we have one in Cleveland that's ready to do the same. It's the same design.

What could be more important than investing in this country, creating jobs, and meeting these unmet national needs. In western Ohio, we have McCord Road, the site of a major Norfolk Southern mainline in Amtrak, and young people were killed there at grade. And now they delayed that project decades rather than doing the kind of grade crossing that's needed.

Mr. Chairman, you can talk about points of order, but the most important point of order is keep the Nation in order. And I think the most important way we can do that is to keep this transportation funding flowing, making our Nation more competitive, creating jobs, and leaving a legacy to the future better than we found it. So I strongly support the gentlelady's amendment and object to the point of order and ask, along with my colleagues, that it be waived.

The CHAIR. Does any other Member wish to speak on the point of order? If not, the Chair is prepared to rule.

The Chair finds that this amendment includes language imparting direction to the Secretary of Transportation. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

The Clerk will read.

The Clerk read as follows:

WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed $174,128,000 shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee

and approval of the Secretary: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of guaranteed loans, $418,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $21,955,000.

In addition, for administrative expenses to carry out the guaranteed loan program, $867,388.

MINORITY BUSINESS OUTREACH

For necessary expenses of Minority Business Resource Center outreach activities, $3,234,000, to remain available until September 30, 2014: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, $114,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: *Provided*, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: *Provided further*, That no funds made available under section 41742 of title 49, United States Code, and no funds made available in this Act or any other Act in any fiscal year, shall be available to carry out the essential air service program under sections 41731 through 41742 of such title 49 in communities in the 48 contiguous States unless the community received subsidized essential air service or received a 90-day notice of intent to terminate service and the Secretary required the air carrier to continue to provide service to the community at any time between September 30, 2010, and September 30, 2011, inclusive: *Provided further*, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: *Provided further*, That if the funds under this heading are insufficient to meet the costs of the essential air service program in the current fiscal year, the Secretary shall transfer such sums as may be necessary to carry out the essential air service program from any available amounts appropriated to or directly administered by the Office of the Secretary for such fiscal year.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 23, after the dollar amount, insert ''(reduced to $0)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $114,000,000)''.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. MCCLINTOCK. If the House is to live up to the promises the Republican majority made to the American people to bring spending under control, some tough choices are going to have to be made. This amendment, however, is not one of them. This is about the easiest choice that the House could possibly make to put an end to the so-called ''Essential Air Service'' that lavishly subsidizes some of the least essential air services in the country.

This program shells out nearly $200 million a year, including $114 million of direct taxpayer subsidies, to support empty and near-empty flights from selected airports in tiny communities, most of which are just a few hours' drive from major airports. A reporter recently investigating this waste took one of these flights from Ely, Nevada, and was the only passenger on that flight. Our constituents paid $1.8 million for this air service that carried just 227 passengers during the entire year. Ely is a 3½-hour drive from Salt Lake City International Airport.

Thief River Falls, Minnesota, is considered an Essential Air Service airport, despite the fact that it's just a 1 hour and 9 minutes drive to Grand Forks International Airport in North Dakota. Hagerstown is just 75 miles from Baltimore, but subsidizing their air flights is considered an ''essential air service.''

Now it's true there are a few tiny communities in Alaska—like Kake's 700 hearty souls—that have no highway connections to hub airports, but they've got plenty of alternatives. In the case of Kake, Alaska, they enjoy year-round ferry service to Juneau. In addition, Alaska is well served by a thriving general aviation market and the ubiquitous bush pilot.

Rural life has both great advantages and great disadvantages, but it is not the job of hardworking taxpayers who choose to live elsewhere to level out the differences.

□ 2040

Apologists for this wasteful spending tell us it is an important economic driver for these small towns—and I'm sure that's so. Whenever you give away money, the folks you're giving it to are always better off. But the folks you're taking it away from are always worse off to exactly the same extent. Indeed, it is economic drivers like this that have driven Greece's economy right off a cliff.

An airline so reckless with its funds as to manage its affairs in such a ludicrous way would quickly bankrupt itself. As we can plainly see, the same principle holds true for governments.

This was a temporary program set up when we deregulated commercial aviation during the Carter administration. It was supposed to last a few years to give rural communities a chance to adjust. That was 34 years ago.

In 2010, in one of the most decisive congressional elections in American history, voters entrusted the House to Republicans with a crystal clear mandate: Stop wasting our money.

Last year, the House responded to this mandate by voting to eliminate Essential Air Service subsidies in the FAA reauthorization bill. So what's the response of the House Appropriations Committee? They do not eliminate funding for this wasteful program. They do not reduce funding for it. No, they increase funding by 11 percent in a single year to a new historic high.

Mr. Chairman, our Nation is borrowing 40 cents of every dollar that it is spending. It has lost its AAA credit rating. Its taxpayers are exhausted. Its treasury is empty. Our children are staggering under a mountain of debt that will impoverish them for years to come, and yet the House Appropriations Committee, in defiance of last year's decision by the House to eliminate this program, has just voted a double-digit percentage increase for a program that flies near empty planes across the country.

I think we can do better than that. I offer instead this amendment to stop fleecing taxpayers for this expensive folly. I believe that House Republicans will ultimately prove themselves worthy of the trust the American people have given them in this perilous hour in our Nation's history. I believe that House Republicans can summon the fortitude to save our country from financial wreck and ruin. And I offer this amendment to put that day to a modest test.

I yield back the balance of my time.

Mr. OLVER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Mr. Chairman, I think what we have is a rather classical kind of situation. The gentleman from California, I suspect, has no Essential Air Service site in his district, but there are 100 communities, more than 100 communities around the country, some of them in very isolated circumstances. I don't know about the situation in the case of the one from Baltimore, but it must be somebody who is on the east shore and gets Essential Air Service out of Cambridge, Maryland, or some other place like that, that is of great significance to them and might be of some significance to the person who represents that eastern shore of Maryland.

He uses several times in several ways the example of Alaska. Alaska happens to be a territory with huge distances and relatively unpopulated, and they don't have any roads in much of Alaska and so the only way they can get in and out is by air, or maybe in the wintertime by dog sled. So I think it is really presumptuous of the gentleman from California to attack all of this program of essential air services covering services in a lot of the rural parts of this country.

I have none in my district. Many of the urban areas obviously do not have any in their area. But the Montanas and the much more rural States, elsewhere in the mountain States and so

on, there are numerous of them that use the Essential Air Service, and I think that the idea of simply zeroing this one out, in a petulance almost, is really quite inappropriate.

So I strongly oppose the amendment and hope that Members will not agree to this amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Essential Air Service program ensures that small and rural communities have access to the national air transportation system. This program plays a key role in the economic development of many rural communities by ensuring that air service continues. Does the program need reform? Absolutely. That's why last year we capped the program to existing communities and have removed the requirement that larger and more expensive planes must be used in the program.

In addition, the authorizers instituted a $1,000 per passenger subsidy cap and limited participation in the program to communities that have more than 10 enplanements per day.

This amendment would be devastating to at least 150 rural communities. In places like Iowa, it plays an essential role as far as the economic development of those communities.

With that, Mr. Chairman, I urge defeat of the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from California (Mr. MCCLINTOCK).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MCCLINTOCK. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

Ms. BASS of California. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. BASS of California. I rise to commend Congresswoman MAXINE WATERS for offering her TIGER grant amendment. The Transportation Investment Generating Economic Recovery, or TIGER, grant program invests in innovative road, rail, transit, and port projects.

Projects funded through TIGER strengthen the economy, create jobs, reduce traffic, and provide safe, affordable, and environmentally sustainable transportation choices. TIGER delivers projects faster and saves taxpayer dollars by reducing construction costs.

In my Los Angeles district, TIGER has provided significant opportunity. In fact, TIGER has provided resources for the Crenshaw/LAX Transit Corridor project, a light rail line that will connect key communities to the Los Angeles International Airport.

I look forward to continue working with my respected colleague, MAXINE WATERS, to advocate for a comprehensive and community-valued Crenshaw/LAX Transit Corridor project that will include a station at Vernon Avenue in the historic Leimert Park Village, a neighborhood which serves as the central arts and cultural hub of Los Angeles County's African American community.

The TIGER grant program is critical to the success of the Crenshaw/LAX light rail line, as well as many projects like it throughout the country.

I am sorry that the amendment was ruled out of order. I think that that was a mistake on our part.

I yield back the balance of my time.

The CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary or his designee may engage in activities with States and State legislators to consider proposals related to the reduction of motorcycle fatalities.

SEC. 103. Notwithstanding section 3324 of title 31, United States Code, in addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide payments in advance to vendors that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order 13150 and section 3049 of Public Law 109–59: *Provided*, That the Department shall include adequate safeguards in the contract with the vendors to ensure timely and high-quality performance under the contract.

SEC. 104. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Credit Council, including the agenda for each meeting, and require the Credit Council to record the decisions and actions of each meeting.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 108–176, $9,718,000,000, of which $4,682,500,000 shall be derived from the Airport and Airway Trust Fund, of which not to exceed $7,513,850,000 shall be available for air traffic organization activities; not to exceed $1,255,000,000 shall be available for aviation safety activities; not to exceed $16,700,000 shall be available for commercial space transportation activities; not to exceed $573,591,000 shall be available for finance and management activities; not to exceed $60,064,000 shall be available for NextGen and operations planning activities; and not to exceed $298,795,000 shall be available for staff offices: *Provided*, That not to exceed 2 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: *Provided further*, That no transfer may increase or decrease any appropriation by more than 2 percent: *Provided further*, That any transfer in excess of 2 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108–176: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 for each day after March 31 that such report has not been submitted to the Congress: *Provided further*, That not later than March 31 of each fiscal year hereafter, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after March 31 that such report has not been submitted to Congress: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: *Provided further*, That there may be credited to this appropriation as offsetting collections funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, not less than $10,350,000 shall be for the contract tower cost-sharing program: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund.

□ 2050

AMENDMENT OFFERED BY MR. CLARKE OF MICHIGAN

Mr. CLARKE of Michigan. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 18, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 9, line 25, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 10, line 3, after the dollar amount, insert ''(reduced by $5,000,000)''.

Page 49, line 9, after the dollar amount, insert ''(increased by $10,000,000)''.

Mr. LATHAM. Mr. Chairman, I reserve a point of order.

The CHAIR. A point of order is reserved.

The gentleman from Michigan is recognized for 5 minutes on his amendment.

Mr. CLARKE of Michigan. Mr. Chairman, my amendment would add $10 million to the Federal Transit Administration's formula and bus grants. I do this to give our elderly and physically disabled a chance to get around their community.

Many of our disabled and elderly aren't working. They don't have the money to afford a car, to afford car insurance, especially in the city of Detroit where insurance rates are really prohibitive for many people. This allocation of an additional $10 million would provide the elderly and our citizens who are physically disabled with the mobility that they need to enjoy their lives, and I urge your support.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. LATHAM. Mr. Chairman, I must insist on my point of order.

The amendment proposes to amend portions of the bill that have not been read. The amendment may not be considered en bloc under clause 2(f) of rule XXI because the amendment does not propose to transfer funds among objects in the bill, as required by clause 2(f).

I ask for a ruling of the Chair.

The CHAIR. Does any Member wish to be heard on the point of order?

The gentleman from Michigan is recognized on the point of order.

Mr. CLARKE of Michigan. Mr. Chairman, I would request that the bill be read, to the extent that the gentleman had an issue about the bill not being read.

The CHAIR. Does the gentleman ask unanimous consent to reach ahead in the reading to allow the en bloc amendment?

Mr. CLARKE of Michigan. I do, Mr. Chairman.

The CHAIR. Is there objection to the request of the gentleman from Michigan?

Mr. LATHAM. I object.

The CHAIR. Objection is heard.

Does any Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

To be considered en bloc pursuant to clause 2(f) of rule XXI, an amendment must propose only to transfer appropriations among objects in the bill. Because the amendment offered by the gentleman from Michigan proposes also another kind of change in the bill, namely, increasing a limitation on obligations from the Highway Trust Fund, it may not avail itself of clause 2(f) to address portions of the bill not yet read. Therefore, the amendment is not in order and the point of order is sustained.

Ms. RICHARDSON. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. RICHARDSON. Mr. Chairman, I rise today in support of the Waters-McCollum-Lee-Cleaver-Bass-Richardson-Rush-Matsui amendment which, unfortunately, was not found in order. I would hope that the Members here, the leadership, would reconsider that decision.

I'm strongly in support of seeking to restore the $500 million for an additional year of the widely popular and highly successful, might I say, TIGER grant program.

As a member of the Committee on Transportation and Infrastructure and as a Representative of one of the most transportation-intensive infrastructure districts in the country, I know how important it is to maintain an efficient transportation infrastructure that will help our country remain competitive globally, throughout this country and in the world.

The TIGER program enables DOT to use a rigorous process to select projects with exceptional benefits to explore ways to deliver projects faster and to save on construction costs. It also enables us to make investments in our Nation's infrastructure and to make communities more livable and sustainable.

The 2012 TIGER IV program received 703 grant applications, requesting a total of $10.2 billion from all 50 States, including the U.S. territories and the District of Columbia. The first three TIGER programs received nearly 2,250 applications, requesting more than $95 billion.

Now, some might say certainly we must have our financial house in order and we have to really look at how we spend the dollars that are available. But I would argue before the committee today that TIGER grants was actually a program that was used, it was well monitored. The programs were brought forward, and they were done at a benefit not only for the funding initially of those programs, but for the jobs that they provided as well.

Clearly, there is a need for additional investment in our country's infrastructure. We have reports in my area, for example, in California of many of the roads and the highways where we receive a D grade due to the lack of the quality of infrastructure in our community.

Of the 47 projects that were funded in the most recent round of TIGER grants, nearly 16 percent went specifically to port infrastructure, according to the American Association of Port Authorities, which calculated $69.7 million would be directed to the ports.

Funding these projects is crucial to the U.S. port facilities. It supports 13.3 million jobs and accounts for $3.15 trillion in business activity that by having better roads and infrastructure we can continue, and the TIGER grants help us to do that.

In addition to restoring the full $500 million for the TIGER program, I believe that the conference report that comes before this body should contain the Senate's MAP–21 National Freight program and the Projects of National and Regional Significance program.

Since coming to Congress, I have advocated for a National Freight program and policy, and that's why I introduced H.R. 1122, the Freight FOCUS Act. The Freight FOCUS Act establishes the Office of Freight Planning and Development within the Department of Transportation to coordinate a national freight policy. By creating a national freight advisory committee, private and public sector entities would have direct input into funding priorities and planning.

The National Freight program would provide over $2 billion a year to upgrade our Nation's goods movement system. That equates to $336 million to the State of California, alone, over 2 years for freight infrastructure upgrades. These funds are critical to areas like mine, a district where over 40 percent of our entire Nation's cargo goes through the Port of Los Angeles and Long Beach and, ultimately, through my district.

In addition to MAP–21, which would authorize $1 billion for the Projects of National and Regional Significance, according to the Bloomberg Government report, the cost of congestion to the trucking industry totalled $23 billion in 2010, almost a quarter of the cost of congestion to the entire economy.

Investing in key intermodal links, such as the Gerald Desmond Bridge, which was a project that was funded through the Projects of National Significance, these links and the jobs that are associated to them are vital to us moving goods throughout this country.

Without programs like TIGER and PNRS, critical infrastructure like the Gerald Desmond Bridge—that has a diaper underneath it catching concrete, which Chairman MICA visited and saw himself—these types of bridges would continue to crumble and put a vital link to our Nation's largest seaports to consumers at risk.

I would like to encourage my colleagues to accept, even though it's been initially found out of order, to reconsider that effort, and hope, as we go forward, there will be a greater precedence, as the committee report comes out, for the National Freight program and the Projects of Regional Significance. I look forward to the decision and support in the future.

I yield back the balance of my time.

Mr. CLARKE of Michigan. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Mr. Chairman, I do understand the procedural limitations raised by the gentleman from Iowa on my amendment. My goal here was to provide those citizens with physical disabilities some way to get around their community because, many times, even if they can afford to buy a vehicle or auto insurance, they may not be able to drive that vehicle.

I look forward to working with the subcommittee chair, the gentleman from Iowa, on other ways that we could better serve our citizens who are elderly and who have physical disabilities.

Mr. LATHAM. If the gentleman would yield, I would just say that I would hope the authorizers come back with a robust number for you, and that we'll be happy to try to work with the gentleman.

Mr. CLARKE of Michigan. Thank you very much. I yield back the balance of my time.

□ 2100

The Acting CHAIR (Mrs. ROBY). The Clerk will read.

The Clerk read as follows:

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, $2,749,596,000 of which $480,000,000 shall remain available until September 30, 2013, and of which $2,269,596,000 shall remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: *Provided further*, That upon initial submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2014 through 2018, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT

(INCLUDING RESCISSION OF FUNDS)

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $175,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2015: *Provided*, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: *Provided further*, That, of the unobligated balances from prior year appropriations available under this heading, $26,183,998 are rescinded.

GRANTS-IN-AID FOR AIRPORTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,400,000,000 to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,350,000,000 in fiscal year 2013, notwithstanding section 47117(g) of title 49, United States Code: *Provided further*, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: *Provided further*, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project that the Administrator determines is a successive phase of a multi-phased construction project for which the project sponsor received a grant in Fiscal Year 2011 for the construction project: *Provided further*, That notwithstanding any other provision of law, of funds limited under this heading, not more than $105,000,000 shall be obligated for administration, not less than $15,000,000 shall be available for the airport cooperative research program, and not less than $29,300,000 shall be available for Airport Technology Research.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2013.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: *Provided*, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on ''below-market'' rates for these items or to grant assurances that require airport sponsors to provide land without cost to the FAA for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303: *Provided*, That during fiscal year 2013, any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds limited by this Act for grants under the Airport Improvement Program shall be made available to the sponsor of a commercial service airport if such sponsor fails to agree to a request from the Secretary of Transportation for cost-free space in a non -revenue producing, public use area of the airport terminal or other airport facilities for the purpose of carrying out a public service air passenger rights and consumer outreach campaign.

SEC. 115. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 116. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 117. The Secretary shall apportion to the sponsor of an airport that received scheduled or unscheduled air service from a large certified air carrier (as defined in part 241 of title 14 Code of Federal Regulations, or such other regulations as may be issued by the Secretary under the authority of section 41709) an amount equal to the minimum apportionment specified in 49 U.S.C. 47114(c), if the Secretary determines that airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.

SEC. 118. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Deputy Assistant Secretary for Administration of the Department of Transportation.

SEC. 119. Subparagraph (D) of section 47124(b)(3) of title 49, United States Code, is amended by striking ''benefit.'' and inserting ''benefit, with the maximum allowable local cost share capped at ''20 percent.''.

SEC. 119A. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the noncommercial flights of that owner or operator.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON ADMINISTRATIVE EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Contingent upon reauthorization, not to exceed $392,855,251, together with advances and reimbursements received by the Federal Highway Administration, shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration for necessary expenses for administration and operation. In addition, not to exceed $3,220,000 shall be paid from appropriations made available by this Act and transferred to the Appalachian Regional Commission in accordance with section 104 of title 23, United States Code.

FEDERAL-AID HIGHWAYS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $39,143,582,670 for Federal-aid highways and highway safety construction programs for fiscal year 2013: *Provided*, That within the $39,143,582,670 obligation limitation on Federal-aid highways and highway safety construction programs, not more than $429,800,000 shall be available for the implementation or execution of programs for transportation research (chapter 5 of title 23, United States Code; sections 111, 5505, and 5506 of title 49, United States Code; and title 5 of Public Law 109–59) for fiscal year 2013: *Provided further*, That this limitation on transportation research programs shall not apply to any authority previously made available for obligation: *Provided further*, That the Secretary may, as authorized by section 605(b) of title 23, United States Code, collect and spend fees, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: *Provided further*, That such fees are available until expended to pay for such costs: *Provided further*, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $39,882,583,000 or so much thereof as may be available in and derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. Contingent upon reauthorization, the following authorities shall apply for fiscal year 2013:

(a) The Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; programs funded from the administrative takedown authorized by section 104(a)(1) of title 23, United States Code (as in effect on the date before the date of enactment of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users); the highway use tax evasion program; and the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highways and highway safety programs for previous fiscal years the funds for which are allocated by the Secretary;

(3) determine the ratio that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2), bears to

(B) the total of the sums authorized to be appropriated for Federal-aid highways and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (9) of subsection (b) and sums authorized to be appropriated for section 105 of title 23, United States Code, equal to the amount referred to in subsection (b)(10) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4)(A) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for sections 1301, 1302, and 1934 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; section 117 and section 144(g) of title 23, United States Code; and section 14501 of title 40, United States Code, so that the amount of obligation authority available for each of such sections is equal to the amount determined by multiplying the ratio determined under paragraph (3) by the sums authorized to be appropriated for that section for the fiscal year; and

(B) distribute $2,000,000,000 for section 105 of title 23, United States Code;

(5) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraph (4), for each of the programs that are allocated by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, (other than to programs to which paragraphs (1) and (4) apply), by multiplying the ratio determined under paragraph (3) by the amounts authorized to be appropriated for each such program for such fiscal year; and

(6) distribute the obligation limitation provided for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and amounts distributed under paragraphs (4) and (5), for Federal-aid highways and highway safety construction programs (other than the amounts apportioned for the equity bonus program, but only to the extent that the amounts apportioned for the equity bonus program for the fiscal year are greater than $2,639,000,000, and the Appalachian development highway system program) that are apportioned by the Secretary under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users and title 23, United States Code, in the ratio that—

(A) amounts authorized to be appropriated for such programs that are apportioned to each State for such fiscal year, bear to

(B) the total of the amounts authorized to be appropriated for such programs that are apportioned to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations:

(1) under section 125 of title 23, United States Code;

(2) under section 147 of the Surface Transportation Assistance Act of 1978;

(3) under section 9 of the Federal-Aid Highway Act of 1981;

(4) under subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982;

(5) under subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987;

(6) under sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991;

(7) under section 157 of title 23, United States Code, as in effect on the day before the date of the enactment of the Transportation Equity Act for the 21st Century;

(8) under section 105 of title 23, United States Code, as in effect for fiscal years 1998 through 2004, but only in an amount equal to $639,000,000 for each of those fiscal years;

(9) for Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century or subsequent public laws for multiple years or to remain available until used, but only to the extent that the obligation authority has not lapsed or been used;

(10) under section 105 of title 23, United States Code, but only in an amount equal to $639,000,000 for each of fiscal years 2005 through 2013; and

(11) under section 1603 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation.

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year, revise a distribution of the obligation limitation made available under subsection (a) if the amount distributed cannot be obligated during that fiscal year, and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 104 and 144 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—The obligation limitation shall apply to transportation research programs carried out under chapter 5 of title 23, United States Code, and title V (research title) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, except that obligation authority made available for such programs under such limitation shall remain available for a period of 3 fiscal years and shall be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of the distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highways programs; and

(B) the Secretary determines will not be allocated to the States, and will not be available for obligation, in such fiscal year due to

the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same ratio as the distribution of obligation authority under subsection (a)(6).

(3) AVAILABILITY.—Funds distributed under paragraph (1) shall be available for any purposes described in section 133(b) of title 23, United States Code.

(f) SPECIAL LIMITATION CHARACTERISTICS.—Obligation limitation distributed for a fiscal year under subsection (a)(4) for the provision specified in subsection (a)(4) shall—

(1) remain available until used for obligation of funds for that provision; and

(2) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to limit the distribution of obligation authority under subsection (a)(4)(A) for each of the individual projects numbered greater than 3676 listed in the table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid Highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid Highways and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his statutory authority, any Buy America requirement for Federal-aid highway projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: *Provided*, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. (a) IN GENERAL.—Except as provided in subsection (b), none of the funds made available, limited, or otherwise affected by this Act shall be used to approve or otherwise authorize the imposition of any toll on any segment of highway located on the Federal-aid system in the State of Texas that—

(1) as of the date of enactment of this Act, is not tolled;

(2) is constructed with Federal assistance provided under title 23, United States Code; and

(3) is in actual operation as of the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) NUMBER OF TOLL LANES.—Subsection (a) shall not apply to any segment of highway on the Federal-aid system described in that subsection that, as of the date on which a toll is imposed on the segment, will have the same number of nontoll lanes as were in existence prior to that date.

(2) HIGH-OCCUPANCY VEHICLE LANES.—A high-occupancy vehicle lane that is converted to a toll lane shall not be subject to this section, and shall not be considered to be a nontoll lane for purposes of determining whether a highway will have fewer nontoll lanes than prior to the date of imposition of the toll, if—

(A) high-occupancy vehicles occupied by the number of passengers specified by the entity operating the toll lane may use the toll lane without paying a toll, unless otherwise specified by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority; or

(B) each high-occupancy vehicle lane that was converted to a toll lane was constructed as a temporary lane to be replaced by a toll lane under a plan approved by the appropriate county, town, municipal or other local government entity, or public toll road or transit authority.

FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31104(i) of title 49, United States Code, and sections 4127 and 4134 of Public Law 109–59, $244,144,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That none of the funds derived from the Highway Trust Fund in this Act shall be available for the implementation, execution or administration of programs, the obligations for which are in excess of $244,144,000, for ''Motor Carrier Safety Operations and Programs'' of which $8,543,000, to remain available for obligation until September 30, 2015, is for the research and technology program and $1,000,000 shall be available for commercial motor vehicle operator's grants to carry out section 4134 of Public Law 109–59: *Provided further*, That notwithstanding any other provision of law, none of the funds under this heading for outreach and education shall be available for transfer: *Provided further*, That the Federal Motor Carrier Safety Administration shall transmit to Congress a report on March 29, 2013 on the agency's ability to meet its requirement to conduct compliance reviews on mandatory carriers.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out sections 31102, 31104(a), 31106, 31107, 31109, 31309, 31313 of title 49, United States Code, and sections 4126 and 4128 of Public Law 109–59, $307,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $307,000,000, for ''Motor Carrier Safety Grants''; of which $212,000,000 shall be available for the motor carrier safety assistance program to carry out sections 31102 and 31104(a) of title 49, United States Code; $30,000,000 shall be available for the commercial driver's license improvements program to carry out section 31313 of title 49, United States Code; $32,000,000 shall be available for the border enforcement grants program to carry out section 31107 of title 49, United States Code; $5,000,000 shall be available for the performance and registration information system management program to carry out sections 31106(b) and 31109 of title 49, United States Code; $25,000,000 shall be available for the commercial vehicle information systems and networks deployment program to carry out section 4126 of Public Law 109–59; and $3,000,000 shall be available for the safety data improvement program to carry out section 4128 of Public Law 109–59: *Provided further*, That of the funds made available for the motor carrier safety assistance program, $29,000,000 shall be available for audits of new entrant motor carriers.

ADMINISTRATIVE PROVISION—FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

SEC. 130. Funds appropriated or limited in this Act shall be subject to the terms and conditions stipulated in section 350 of Public Law 107–87 and section 6901 of Public Law 110–28.

Mr. LATHAM (during the reading). Madam Chairman, I ask unanimous consent that the remainder of the bill through page 34, line 23, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Acting CHAIR. Are there any amendments to that portion of the bill?

If not, the Clerk will read.

The Clerk read as follows:

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under subtitle C of title X of Public Law 109–59 and chapter 301 and part C of subtitle VI of title 49, United States Code, $152,000,000, of which $20,000,000 shall remain available through September 30, 2014.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code, $122,360,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $122,360,000, of which $118,244,000 shall be for programs authorized under 23 U.S.C. 403, and of which $4,166,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code: *Provided further*, That within the $122,360,000 obligation limitation for operations and research, $20,000,000 shall remain available until September 30, 2014 and shall be in addition to the amount of any limitation imposed on obligations for future years: *Provided further*, That $10,000,000 of the total obligation limitation for operations and research in fiscal year 2013 shall be applied toward unobligated balances of contract authority provided in prior Acts for carrying out the provisions of 23 U.S.C. 403, and chapter 303 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BRALEY OF IOWA

Mr. BRALEY of Iowa. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 35, line 16, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

Page 35, line 21, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

Page 35, line 22, after the dollar amount, insert ''(reduced by $10,000,000) (increased by $10,000,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BRALEY of Iowa. Madam Chair, I want to make a specific point of emphasizing that I'm offering this amendment in honor of one of the gentleman from Iowa's constituents, a young, 7-year-old girl named Kadyn Halverson who, on May 10 of 2011, was struck and killed by a pickup truck while exiting a school bus.

And this particular section of the bill deals with the report language that talks about, among other things, the ability to talk about safety and pupil transportation relating to the National Highway Transportation Safety Administration. So to understand the purpose behind this amendment, it's important to know how this tragedy happened.

This young girl was crossing the street to board her school bus. The bus had its red lights flashing. The stop arm was activated, and a pickup truck traveling at 60 miles an hour struck and killed her. The driver tested positive for marijuana and later pleaded guilty to vehicular homicide and has been sentenced to 15 years in prison.

Now, this is one isolated incident in my home State, but statistics show that 13 million violations occur in this country every year of vehicles passing stopped school buses. It's obvious we have a serious problem, and my amendment would use this funding for the purpose of working with States to create tougher sanctions and tougher enforcement to reduce this alarming problem of people violating the law and passing stopped school buses.

The intent of my amendment is to require the National Highway Traffic Safety Administration, otherwise known as NHTSA, to prioritize at least $10 million for school bus safety work and, specifically, to work with State and local law enforcement to improve enforcement of State law concerning illegally passing stopped school buses.

My amendment would ensure that we are enforcing the laws on the books pertaining to stopping those school buses. It's a part of an ongoing effort to provide safety to kids who are going to school and returning every day; 13 million violations a year is way too many. We have an obligation to work with States. My amendment would do that by directing NHTSA to use this opportunity to help those States become more effective in preventing these tragedies.

It wasn't the only one that has become of significance in my State in the past year; 11-year-old Justin Bradfield of Janesville, Iowa, was tragically killed in 2011 after being struck by a school bus. That's why earlier this year I introduced Kadyn's Act in the House. The bill would encourage States to toughen their penalties for those found guilty of passing a stopped school bus.

I am honored to have the subcommittee chairman as a cosponsor of that legislation. I hope that my colleagues will support this amendment, and I urge them to work to pass both these bills to make it safer for our kids to get to school and back.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I appreciate the intent of the amendment of the gentleman from Iowa. The gentleman introduced legislation that would require States to enact harsher penalties for reckless drivers who pass stopped school buses, and this amendment complements that legislation and, I think, sends a very, very important message.

The legislation named in memory of the little girl the gentleman spoke about from Iowa who was killed so tragically, this is extremely important, I think, to raise the profile. I would hope that the authorizing committee in conference on the highway bill would take this into consideration and act on this very provision.

As a cosponsor of the act, I commend the gentleman's effort and would accept the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BRALEY).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon reauthorization, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, to remain available until expended, $501,828,000 to be derived from the Highway Trust Fund (other than the Mass Transit Account): *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2013, are in excess of $501,828,000 for programs authorized under 23 U.S.C. 402, 405, 406, 408, and 410 and sections 2001(a)(11), 2009, 2010, and 2011 of Public Law 109–59, of which $235,000,000 shall be for ''Highway Safety Programs'' under 23 U.S.C. 402; $25,000,000 shall be for ''Occupant Protection Incentive Grants'' under 23 U.S.C. 405; $34,500,000 shall be for ''State Traffic Safety Information System Improvements'' under 23 U.S.C. 408; $139,000,000 shall be for ''Alcohol-Impaired Driving Countermeasures Incentive Grant Program'' under 23 U.S.C. 410; $25,328,000 shall be for ''Administrative Expenses'' under section 2001(a)(11) of Public Law 109–59; $29,000,000 shall be for ''High Visibility Enforcement Program'' under section 2009 of Public Law 109–59; $7,000,000 shall be for ''Motorcyclist Safety'' under section 2010 of Public Law 109–59; and $7,000,000 shall be for ''Child Safety and Child Booster Seat Safety Incentive Grants'' under section 2011 of Public Law 109–59: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 ''Alcohol-Impaired Driving Countermeasures Grants'' shall be available for technical assistance to the States: *Provided further*, That not to exceed $750,000 of the funds made available for the ''High Visibility Enforcement Program'' shall be available for the evaluation required under section 2009(f) of Public Law 109–59.

ADMINISTRATIVE PROVISIONS—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. Contingent upon reauthorization, notwithstanding section 402(g) of title 23, United States Code, an additional $130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws for multiple years but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

FEDERAL RAILROAD ADMINISTRATION

SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $184,000,000, of which $20,360,000 shall remain available until expended.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 39, line 4, after the dollar amount, insert ''(reduced by $5,404,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $5,404,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would simply reduce funding for administrative expenses within the Federal Railroad Administration by $5,404,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses, despite the fiscal emergency that we're facing as a Nation. This, like many of the amendments that I'm bringing, would just reduce funding back to current levels, back to the FY12 levels.

We have many sections of this bill that are slated to be increased. But as we face an economic emergency as a Nation, as we're spending money that we don't have—40 cents of every dollar we're spending is being borrowed—we just have to stop the outrageous spending that's going on here in Washington.

This amendment would simply bring the administrative expenses for the Federal Railroad Administration back to current levels. It would not reduce the functions of the administration. It

would just keep funding at the current levels.

It makes sense to just stop increasing, so I urge support of my amendment.

I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chair, I must oppose the gentleman's amendment. This would not allow the Federal Railroad Administration to hire additional safety inspectors and fully implement the risk reduction program.

□ 2110

These investments have a proven record in reducing the number of crashes on our Nation's railways.

While we appreciate the gentleman's concern over the debt, this is an arbitrary way to budget, and it negates months of work on this committee to try and determine the proper funding levels for these different functions. The bill already cuts $4 billion from 2012, which is a very fiscally responsible level, so I would urge a ''no'' vote on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, $35,500,000, to remain available until expended.

RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, such authority to exist as long as any such direct loan or loan guarantee is outstanding: *Provided*, That, pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2013.

OPERATING SUBSIDY GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make quarterly grants to the National Railroad Passenger Corporation for the operation of intercity passenger rail, as authorized by section 101 of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $350,000,000, to remain available until expended: *Provided*, That the amounts available under this paragraph shall be available for the Secretary to approve funding to cover operating losses for the Corporation only after receiving and reviewing a grant request for each specific train route: *Provided further*, That each such grant request shall be accompanied by a detailed financial analysis, revenue projection, and capital expenditure projection justifying the Federal support to the Secretary's satisfaction: *Provided further*, That not later than 60 days after enactment of this Act, the Corporation shall transmit, in electronic format, to the Secretary, the House and Senate Committees on Appropriations, the House Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation the annual budget and business plan and the 5-Year Financial Plan for fiscal year 2013 required under section 204 of the Passenger Rail Investment and Improvement Act of 2008: *Provided further*, That the budget, business plan, and the 5-Year Financial Plan shall also include a separate accounting of ridership, revenues, and capital and operating expenses for the Northeast Corridor; commuter service; long-distance Amtrak service; State-supported service; each intercity train route, including Autotrain; and commercial activities including contract operations: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include a description of work to be funded, along with cost estimates and an estimated timetable for completion of the projects covered by these plans: *Provided further*, That the budget, business plan and the 5-Year Financial Plan shall include annual information on the maintenance, refurbishment, replacement, and expansion for all Amtrak rolling stock consistent with the comprehensive fleet plan: *Provided further*, That the Corporation shall provide semiannual reports in electronic format regarding the pending business plan, which shall describe the work completed to date, any changes to the business plan, and the reasons for such changes, and shall identify all sole-source contract awards which shall be accompanied by a justification as to why said contract was awarded on a sole-source basis, as well as progress against the milestones and target dates of the 2012 performance improvement plan: *Provided further*, That the Corporation's budget, business plan, 5-Year Financial Plan, semiannual reports, and all subsequent supplemental plans shall be displayed on the Corporation's Web site within a reasonable timeframe following their submission to the appropriate entities: *Provided further*, That these plans shall be accompanied by a comprehensive fleet plan for all Amtrak rolling stock which shall address the Corporation's detailed plans and timeframes for the maintenance, refurbishment, replacement, and expansion of the Amtrak fleet: *Provided further*, That said fleet plan shall establish year-specific goals and milestones and discuss potential, current, and preferred financing options for all such activities: *Provided further*, That none of the funds under this heading may be obligated or expended until the Corporation agrees to continue abiding by the provisions of paragraphs 1, 2, 5, 9, and 11 of the summary of conditions for the direct loan agreement of June 28, 2002, in the same manner as in effect on the date of enactment of this Act: *Provided further*, That none of the funds provided in this Act may be used to support any route on which Amtrak offers a discounted fare of more than 50 percent off the normal peak fare: *Provided further*, That the preceding proviso does not apply to routes where the operating loss as a result of the discount is covered by a State and the State participates in the setting of fares: *Provided further*, That the Corporation shall submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2014 in similar format and substance to those submitted by executive agencies of the Federal Government.

CAPITAL AND DEBT SERVICE GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for capital investments as authorized by section 101(c) and 219(b) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110–432), $1,452,000,000, to remain available until expended, of which not to exceed $271,000,000 shall be for debt service obligations as authorized by section 102 of such Act: *Provided*, That of the amounts made available under this heading, not less than $50,000,000 shall be made available to bring Amtrak served facilities and stations into compliance with the Americans with Disabilities Act: *Provided further*, That after an initial distribution of up to $200,000,000, which shall be used by the Corporation as a working capital account, all remaining funds shall be provided to the Corporation only on a reimbursable basis: *Provided further*, That of the amounts made available under this heading, not less than $500,000,000 shall be made available to fund high priority state-of-good-repair intercity infrastructure projects on infrastructure owned by the Corporation or States for the benefit of existing intercity passenger rail services: *Provided further*, That of the amount provided under the preceding proviso, $80,000,000 may be used to subsidize operating losses of the Corporation only after receiving and reviewing a grant request justifying the Federal support to the Secretary's satisfaction; *Provided further*, That such projects shall only include capital projects within the meaning of Section 24401(2)(A) of Title 49, United States Code: *Provided further*, That the Secretary shall approve funding for these projects only after receiving and reviewing a grant request for each project developed by Amtrak in conjunction with any state partners: *Provided further*, That the Federal share payable of the costs for such a project shall not exceed 80 percent: *Provided further*, That at least 30 days prior to the obligation of funds for such a project, the Secretary shall provide to the House and Senate Committees on Appropriations written notification of the approval of the project: *Provided further*, That the Secretary may retain up to one-half of 1 percent of the funds provided under this heading to fund the costs of project management oversight of capital projects funded by grants provided under this heading, as authorized by subsection 101(d) of division B of Public Law 110–432: *Provided further*, That the Secretary shall approve funding for capital expenditures, including advance purchase orders of materials, for the Corporation only after receiving and reviewing a grant request for each specific capital project justifying the Federal support to the Secretary's satisfaction: *Provided further*, Except as otherwise provided herein, none of the funds under this heading may be used to subsidize operating losses of the Corporation: *Provided further*, That except as otherwise provided herein, none of the funds under this heading may be used for capital projects not approved by the Secretary of Transportation or on the Corporation's fiscal year 2013 business plan: *Provided further*, That in addition to the project management oversight funds authorized under section 101(d) of division B of Public Law 110–432, the Secretary may retain up to an additional $3,000,000 of the funds provided under this heading to fund expenses associated with implementing section 212 of division B of Public Law 110–432, including the amendments made by section 212 to section 24905 of title 49, United States Code.

NEXT GENERATION HIGH-SPEED RAIL

(RESCISSION)

Of the funds made available for Next Generation High Speed Rail, as authorized by

sections 1103 and 7201 of Public Law 105–178, $1,973,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

(RESCISSION)

Of the funds made available for the Northeast Corridor Improvement Program, as authorized by Public Law 94–210, $4,419,000 are hereby permanently rescinded: *Provided*, That no amounts may be cancelled from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. Hereafter, notwithstanding any other provision of law, funds provided in this Act for the National Railroad Passenger Corporation shall immediately cease to be available to said Corporation in the event that the Corporation contracts to have services provided at or from any location outside the United States. For purposes of this section, the word ''services'' shall mean any service that was, as of July 1, 2006, performed by a full-time or part-time Amtrak employee whose base of employment is located within the United States.

SEC. 151. The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.

SEC. 152. Notwithstanding any other provisions of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 153. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of $35,000 for any individual employee: *Provided*, That the president of Amtrak may waive the cap set in the previous proviso for specific employees when the president of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: *Provided further*, That Amtrak shall notify House and Senate Committees on Appropriations within 30 days of waiving such cap and delineate the reasons for such waiver.

SEC. 154. The unobligated balance of funds provided under sections 1101(a)(18) and 1307 of Public Law 109–59 shall be used for the elimination of hazards at railway-highway crossings described in section 104(d)(2) of title 23, United States Code, to remain available until expended.

FEDERAL TRANSIT ADMINISTRATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $100,000,000: *Provided*, That none of the funds provided or limited in this Act may be used to create a permanent office of transit security under this heading: *Provided further*, That upon submission to the Congress of the fiscal year 2014 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on New Starts, including proposed allocations of funds for fiscal year 2014.

Mr. LIPINSKI. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

Mr. LIPINSKI. I rise to engage in a colloquy with my good friend from Iowa, the distinguished chairman, Mr. LATHAM.

First, I would like to acknowledge the difficult and challenging job the chairman has had in crafting this bill. I would also like to acknowledge all of the work of Ranking Member OLVER, not just this year but in years past here in Congress, and especially as head of this committee.

In 2008, Congress passed a mandate requiring commuter and freight railroads to implement Positive Train Control by 2015. While PTC provides a very significant safety improvement, it is also very costly. The Federal Railroad Administration has estimated that the total cost for PTC will be $13.2 billion industrywide.

In recognizing the cost when we were working on the bill in order to implement the mandate, I was able to add language authorizing the Rail Safety Technology Grant program at $50 million per year. Since the program was authorized, however, Congress has only appropriated $50 million for 1 year.

This mandate is especially hard on commuter railroads. In the Chicago region, Metra serves approximately 300,000 commuters every weekday. Metra estimates that PTC will cost $200 million, an amount the agency will struggle to afford. There are many other commuter railroads in this country facing similar situations and needing some help in implementing this safety technology.

Yet, in recognizing the difficult choices the chairman has had to make on this bill, I will not offer an amendment. I would ask, as this bill moves forward to conference and in future appropriations bills, that we work together to find some level of Federal support to help defray the costs for our Nation's railroads in order to implement PTC.

With that, I yield to Chairman LATHAM.

Mr. LATHAM. I thank the gentleman for his hard work in this area and for his efforts on the Transportation Committee.

Commuter railroads are an extremely important mode of transportation and are critical to many of our regional economies. I would be more than happy to work with the gentleman on ways to address the PTC funding issues as we go to conference and in the future.

Mr. LIPINSKI. In reclaiming my time, I thank the gentleman, and I look forward to working with him on this funding issue.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 48, line 16, after the dollar amount, insert ''(reduced by $1,287,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,287,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. My amendment would reduce funding for the administrative expenses within the Federal Transit Administration by $1,287,000.

This office is one of 13 in the underlying bill which is slated to receive increases for administrative expenses despite the dire fiscal environment we have in our Nation, but we've got to stop the outrageous spending that government has been doing.

The passage of my amendment would simply bring the funding level for these administrative expenses that are within the Federal Transit Administration back to the level of this year. It would just reduce the increase back to current levels.

I urge the support of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. From what I understand of this amendment, the gentleman from Georgia is now removing a little over $1 million, $1,300,000 or thereabouts, from the $100 million that is assigned by Mr. LATHAM's bill for the administrative expenses of the FTA.

As I pointed out in my opening statement, 65 percent of all of our population in this country—and it's going up every census—is now living in metropolitan areas with populations of greater than a half a million people. The remarkable thing about this is that, among the 50 largest metropolitan areas, there is a 25 percent increase every decade in their populations.

Georgia has one of those major population areas—the whole Atlanta area—which is also growing by more than 25 percent every decade, but the gentleman is trying to constrain the dollars of the FTA, which is the agency that provides the development of transit services for all of these major metropolitan areas around the country.

I think that this is an exceedingly modest increase that has been proposed. Virtually everybody has metropolitan areas that are in need of this enormous increase in investments for transit services, for public transportation services, whether they be by commuter rail or by light rail—any one of those programs.

□ 2120

I just think that this is an exceedingly short-sighted amendment to be trying to impose upon the FTA, which has increased its total services to the urban parts of the country. Year after year, the number of grants that are being given out, the amount of the administration of those grants goes up, and it must continue to go up if we're going to continue to have growth in population, which we expect is going to continue at roughly 10 percent per decade, as it has in the last decade.

I strongly oppose this amendment and urge a ''no'' vote on the amendment. I think that it is clearly a counterproductive thing to be doing, no matter what our economic times may look like at the present time.

We have to get back to a growth program in this country. We have to get back to building more infrastructure and to administrate through the FTA the programs by which those infrastructure improvements get made in all of the metropolitan areas that are growing around the country.

With that, I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I rise to oppose the gentleman's amendment.

This is a minor 1.3 percent increase over the prior year with all of the increase going to uncontrollable costs, such as additional compensable workday, rent and IT maintenance costs. Further, we've already rejected $66 million of funds for new activities requested in the President's budget.

This is also one mode where we shouldn't cut funds. The FTA staffing has increased only 19.7 percent over the last 20 years, yet FTA funding has increased by 129 percent, and the number of grants that FTA administers and oversees has increased 118 percent. I'm not sure cutting S&E funding is the right thing to do in an agency that oversees this much of the Federal funds. We're talking about 0.0005 percent, the full-time equivalent for every thousand dollars that the grants are doled out.

I thank the gentleman for his interest in reducing spending. I would say we've already cut $66 million, and I will oppose any effort to reduce FDA's oversightability.

Again, I would ask for a ''no'' vote, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

FORMULA AND BUS GRANTS

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, funds available in fiscal year 2013 for the implementation or execution of transit formula and bus grant programs authorized under title 49, United States Code, as amended by such authorization, shall not exceed total obligations of $8,360,565,000 from the Mass Transit Account of the Highway Trust Fund.

(LIQUIDATION OF CONTRACT AUTHORITY)

(HIGHWAY TRUST FUND)

Contingent upon enactment of surface transportation authorization legislation, $9,400,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund, for payment of obligations incurred in carrying out mass transit programs authorized under title 49, United States Code, as amended by such authorization.

RESEARCH AND UNIVERSITY RESEARCH CENTERS

For necessary expenses to carry out 49 U.S.C. 5306, 5312–5315, 5322, and 5506, $44,000,000, to remain available until expended: *Provided*, That $6,500,000 is available to carry out the transit cooperative research program under section 5313 of title 49, United States Code, $3,000,000 is available for the National Transit Institute under section 5315 of title 49, United States Code, and $4,000,000 is available for the university transportation centers program under section 5506 of title 49, United States Code: *Provided further*, That $20,000,000 is available to carry out innovative research and demonstrations of national significance under section 5312 of title 49, United States Code.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out section 5309 of title 49, United States Code, $1,816,993,000, to remain available until expended, of which $127,566,794 shall be available to carry out section 5309(e) of such title.

GRANTS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110–432, $150,000,000, to remain available until expended: *Provided*, That the Secretary shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: *Provided further*, That prior to approving such grants, the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system: *Provided further*, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of title VI of Public Law 110–432 (112 Stat. 4968) for fiscal year 2013.

AMENDMENT OFFERED BY MR. GARRETT

Mr. GARRETT. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 50, line 18, after the dollar amount, insert ''(reduced to $0)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $150,000,000)''.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. GARRETT. It is the desire of this House and Members of this side of the aisle that we put an end to earmarks, and yet some might say that in this bill there contains $150 million solely for the benefit of one particular project, the Washington Metropolitan Area Transit Authority, or WMATA.

This is just one-tenth of the $1.5 billion that Congress intends to spend on the D.C. metro system over a 10-year period. This may not be considered your average earmark. The Heritage Foundation has dubbed this—according to Heritage—''the largest earmark in American history.''

Why? Well, the amendment before us is simple. It would eliminate the subsidy to WMATA that has been received since 2008. At a time of record budget deficits and debt, the American people cannot afford to provide a special subsidy, especially when it takes into consideration the fact that the D.C. metro area already receives funds from several different Federal transit programs. And given the performance of this agency, I really find it amazing. I find it astounding that this year the American people should be expected to give them another $150 million of their hard-earned money.

In addition to the daily service interruptions, the lax management, and the generally poor performance that we're all familiar with, Metro has a significant record of wasteful spending. In 2005, The Washington Post reported that Metro spent $382 million to rebuild cars only to have them break down more often than those that weren't overhauled. The Post also pointed out that when senior agency attorneys wanted two new window offices, they spent $270,000 just to accommodate them. Why not? It's just taxpayer dollars from across the rest of this country.

Earlier this year, it was reported that the Office of the Inspector General uncovered several personnel and unwarranted expenses on Metro's credit card, such as $2,000 worth of gift cards, three camcorders valued at $700, and even $180 just for headphones alone.

Madam Chair, we cannot afford to keep pouring our money into an Agency that clearly hasn't done its job of cleaning its own house.

Finally, it is curious to note that the $150 million this bill provides for is $15 million more than the President requested in his budget. Do we really want to be out-spending the President of the United States in this area?

Finally, hardworking taxpayers should not be forced to subsidize a transportation system that has basically failed over the years to get its own fiscal house in order. We owe it to the American people to do better than that.

With that, I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

□ 2130

Mr. OLVER. Madam Chairwoman, the amendment that is offered here in this instance is really quite a curious one, it seems to me.

The gentleman offering the amendment is from New Jersey, the largest overall metropolitan system, with its commuter rails, with its expansions needed, always repairing, always upgrading, always expanding the systems that serve the whole New York metropolitan area. It serves northern New Jersey, which partly serves people in his district.

Now, the amendment that is being proposed is an amendment that affects WMATA, the Washington/Virginia/Maryland metropolitan area, which is our sixth largest metro area, with somewhat over 5 million people. I don't know exactly—although my staff here is trying to figure it out—how many riders there are on WMATA each year.

The expenditure under consideration of $150 million a year was fully authorized by the PRIIA Act in 2008, signed by President Bush at that time. And this is about the third or fourth year of the $150 million guarantee, the commitment in the authorizing bill to do the $150 million per year in the whole system, no specific place, not in a specific congressional district, though there are several congressional districts in which WMATA functions. And it's matched dollar for dollar. It's 50 percent matching moneys. Maryland, Virginia, and D.C. have to match the $150 million along the way.

We do have, occasionally, safety problems. We have had some crashes here in Washington and some people who have been injured or killed in those crashes.

And I find it really quite curious that the gentleman from New Jersey would be trying to take away the money that is fully authorized——

Mr. GARRETT. Will the gentleman yield?

Mr. OLVER. I would be happy to yield to the gentleman from New Jersey.

Mr. GARRETT. I find it odd that I am in the position here of actually defending the President of the United States and defending what his recommendations are in this area, but I will gladly do so.

The President suggested that, with all of those factors that you have just played out taken into consideration, it was his opinion that we should not be spending this full amount of money. It was President Obama's suggestion that we actually curtail the money.

Mr. OLVER. Yes.

Reclaiming my time, it has been the position of our subcommittee looking at, realizing that the authorization in the PRIIA Act and the commitments that had been made to this metropolitan area, which many of us and many of our staff use for transportation. We have had serious safety problems, and a serious need has been shown through those safety problems for an upgrading of the equipment and systems that we use in this area.

So I think it is certainly my position, and I think it is the chairman of the subcommittee's position, that this is a choice well made, critically made, with critical thought to why this was being done for the safety of the people using the WMATA public transportation system all over Maryland, D.C., and northern Virginia.

Mr. GARRETT. If the gentleman will yield, then the question is: Are you suggesting that the President does not care for the safety of this administration? Are you suggesting that the President——

Mr. OLVER. I'm not suggesting any such thing.

I am suggesting that this is a legislative position, that this should be done, that it has been agreed to be done.

I now have the number of riders. We had 217 million riders in the WMATA system in 2011. That's a huge number of riders, and they deserve some consideration for the safety of the WMATA system.

I yield back the balance of my time.

Mr. WOLF. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WOLF. This language came about as a result of our former colleague from Virginia, Tom Davis.

There are many ideas behind it. I didn't know the amendment was coming up. I think that is part of the problem around here with the prefiling. It would be nice to let Members know what is coming up so they know. But I did see it, so I ran over.

One, the number of Federal employees. This serves the Pentagon. It serves most of the Federal agencies in the government. But if you looked at the Metro today, most of the people riding it today were tourists from New Jersey and from Texas and from other places like that around.

When you look at Metro with regard to the inauguration and many of the other events, that was the whole concept, that the administration, both Republican and Democrat—and this was a Republican amendment offered by Congressman Tom Davis to have this funding over a period of, I think, if my memory serves me, over a period of 10 years.

So I rise in strong opposition to the Garrett amendment and ask that Congress maintain the integrity of what Congressman Davis and many other Congresses have done in the past.

Mr. GARRETT. Will the gentleman yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. GARRETT. I understand all the points that you raise as far as who is using the system, New Jersey people and New York people. But I can make that exact same argument about the New York/New Jersey metropolitan area and our transit area as well, and we don't have a $150 million extra earmark in for our area.

Already, the D.C. metro area is getting $1.5 billion from Congress, from the U.S. taxpayers from Colorado to Oklahoma to Tennessee for this system, and now they're getting $150 million more. But all the tourists that come up from all over the United States to visit my metropolitan area in New York/New Jersey, we're not getting an extra $150 million, and we have the same exact concerns as far as safety and maintenance and the rest.

So the constituents in my area are saying, Why is it that only the constituents down here get this extra earmark and we don't see the same thing for other metropolitan areas?

I thank the gentleman for yielding.

Mr. WOLF. I thank the gentleman.

This is the Nation's Capital. We are the Nation's Capital. People from all over the world come here.

And I want to be sure—things are thrown around on this floor many times that are not accurate. A large proportion of the New York system was paid for with Federal taxpayer money.

This was the agreement that was made by the Government Operations Committee, I think, in conjunction with Congressman Davis, Congressman HOYER, and others a number of years ago. Congressman Davis is no longer here, but that was the whole sentiment with regard behind it.

So I urge Members to vote ''no'' on the Garrett amendment and yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. Madam Chairwoman, I understand that since I claimed the time in opposition, I retain, then, the right to strike the last word, so I have struck the last word. Thank you very much.

Just to continue this one, New York, at the present time, is benefiting from enormous additional investments in two major projects. One reaches out into Long Island, the so-called East Side Access project, which you wouldn't know or care, perhaps, much about because it reaches to all the population out on Long Island—to the east, to that direction for you, to the east—and the Second Avenue Subway.

□ 2140

So that New York system has those two very large programs. Each one of them is about $2 billion. That's $2 billion going on concurrently with what this 10-year program is for the maintenance of the system here in Washington, when we have had clear evidence of safety difficulties and equipment difficulties that had not been taken into account. We were not putting enough investment into the maintenance of the Washington system.

And to add to the gentleman from Virginia's comment about this, our

constituents from every district all over the country come to Washington and deserve to have a really good public transportation system in Washington. So it is in all of our interests to make certain that that system is up to snuff on safety and the equipment is in good repair. So I have no apology whatsoever for supporting this one, and would strongly urge that we defeat this amendment.

I yield back the balance of my time.

Mr. CULBERSON. I move to strike the last word.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. CULBERSON. Madam Chairman, I want to be sure to point out to the House that the account is authorized. Under the Passenger Rail Improvement Act, in order for the metropolitan D.C. area to receive the funds, Virginia, Maryland, and the District of Columbia have to match the money, which certainly helps. And I also note that the committee has included language, which is very important, that the Federal Government cannot provide more than 60 percent for the first time. That's important that the local communities do their fair share.

All of the money in the Passenger Rail Improvement Act for the D.C. area has to be used for safety and capital improvements only. They can use the money only to buy new cars and equipment to improve the safety of the system. And as my good friend from New Jersey has pointed out, if there's clearly evidence, apparently, of misuse of the funds, the inspector general can certainly investigate that and even bring criminal charges against those responsible for using the funds for a purpose other than that authorized by the Passenger Rail Improvement Act.

I think it's also important to point out that the bill, overall, cuts New Starts funding by $419 million and cuts the request for administrative funding for the F'TA by $66 million.

These bills that Chairman ROGERS has presided over that all of us on Appropriations have worked so hard on, for the first time we've got a whole series of bills reducing spending year after year. There's much, much more to do. And while I'm certainly in philosophical agreement with the gentleman's amendment, because of the careful balance the bill strikes in funding an authorized program, it can only be used for a limited purpose that must be matched, and the committee would like to ask for a ''no'' vote on the gentleman's amendment.

Mr. GARRETT. Will the gentleman yield?

Mr. CULBERSON. I am happy to yield to my good friend from New Jersey.

Mr. GARRETT. I will just make three quick points. One is, again, it is really odd that here I stand with you next to the microphone and that I am actually defending the more conservative position and actually defending the position of the President of the United States, who says we should be spending less money.

Secondly, in a time when we all said, Let's eliminate earmarks, here we have, as Heritage says, the largest earmark in American history. Because this is not simply an issue of saying that this program has a safety need and no one else does. If it wasn't a grant application process where New York, New Jersey, or any other system around the country could have applied and say, Our safety needs are X times high or less than Washington, D.C., maybe there wouldn't be a concern. But that's not the case here.

All the other metropolitan transit systems in the country aren't being weighed as far as what their safety needs or what their maintenance needs are. It just simply made a decision here that Washington, D.C., and the congressional districts that it contains around it somehow or another merit greater service than do the other ones in Chicago or New York or New Jersey, what have you. I think that's where the difficulty lies.

Mr. CULBERSON. If I could reclaim my time, the gentleman and I worked together arm-in-arm on so many good conservative causes, and in this one area we do have a slight disagreement. I would point out that the statute requires that the metropolitan Washington transit entity has to submit a grant application. Under the law, they can't just automatically access these funds. They have to submit a grant application that complies with all the Federal Transit Administration's requirements. They have to demonstrate that the money will be used for the narrow purposes authorized by the act for safety and capital improvements, and they must comply with all of the other requirements that every other transit entity in the Nation complies with.

For all those reasons, to keep the careful balance the committee has struck, the overall reduction in funding, the committee would ask for a ''no'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GARRETT. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT ADMINISTRATION

(INCLUDING RESCISSION OF FUNDS)

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the Federal Transit Administration's discretionary program appropriations headings for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2015, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2012, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. Notwithstanding any other provision of law, unobligated funds made available for new fixed guideway system projects under the heading ''Federal Transit Administration, Capital Investment Grants'' in any appropriations Act prior to this Act may be used during this fiscal year to satisfy expenses incurred for such projects.

SEC. 164. Notwithstanding any other provision of law, unobligated funds or recoveries under section 5309 of title 49, United States Code, that are available to the Secretary of Transportation for reallocation shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 165. In addition to the amounts made available under section 5327(c)(1) of title 49, United States Code, the Secretary may use, for program management activities described in section 5327(c)(2), 1.5 percent of the amount made available to carry out section 5316 of title 49, United States Code: *Provided*, That funds made available for program management oversight shall be used to oversee the compliance of a recipient or subrecipient of Federal transit assistance consistent with activities identified under section 5327(c)(2) and for purposes of enforcement.

SEC. 166. Notwithstanding any other provision of law, none of the funds made available in this Act shall be available to carry out 49 U.S.C. 5309(m)(6)(B) and (C).

SEC. 167. Notwithstanding any other provision of law, none of the funds made available in this Act shall be used to enter into a full funding grant agreement for a project with a New Starts share greater than 60 percent.

SEC. 168. The Secretary shall conduct a formal adjudication in accordance with section 554 of title 5, United States Code, requiring any transit agency that during fiscal year 2008 was both initially granted a 60-day period to come into compliance with part 604, and then granted an exception from such part in this fiscal year to present evidence why it cannot come into compliance with such part: *Provided*, That any determination arising from the adjudication shall be sent to the House and Senate Committees on Appropriations for consideration: *Provided further*, That this section shall be obviated if there is an arrangement between such transit agency and charter bus providers that the Secretary considers appropriate in accordance with section 5323(d) of title 49, United States Code.

SEC. 169. For purposes of applying the project justification and local financial commitment criteria of 49 U.S.C. 5309(d) to a New Starts project, the Secretary may consider the costs and ridership of any connected project in an instance in which private parties are making significant financial contributions to the construction of the connected project; additionally, the Secretary may consider the significant financial contributions of private parties to the connected

project in calculating the non-Federal share of net capital project costs for the New Starts project.

SEC. 169A. Of the funds made available for the Formula Grants program, as authorized by Public Law 97-424, as amended, $70,867,394 are hereby permanently rescinded: *Provided*, That of the funds made available for the Formula Grants program, as authorized by Public Law 91-43, as amended, $699,307 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Formula Grants program as authorized by Public Law 95-599, as amended, $928,838 are hereby permanently rescinded: *Provided further*, That of the funds made available for the University Transportation Research program, as authorized by Public Law 91-453, as amended, and by Public Law 102-240, as amended, $292,554 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Job Access and Reverse Commute program, as authorized by Public Law 105-178, as amended, $14,661,719 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Capital Investment Grants program, as authorized by Public Law 105-178, as amended, $11,429,055 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Research, Training, and Human Resources program, as authorized by Public Law 95-599, as amended, $247,579 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Interstate Transfer Grants program, as authorized by 23 U.S.C. 103(e)(4), $2,661,568 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Washington Metropolitan Area Transit Authority, as authorized by section 14 of Public Law 96-184, as amended, and by Public Law 101-551, as amended, $523,000 are hereby permanently rescinded: *Provided further*, That of the funds made available for the Urban Discretionary Grants program, as authorized by Public Law 88-365, as amended, $578,353 are hereby permanently rescinded: *Provided further*, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

SEC. 169B. None of the funds in this Act may be available to advance a new fixed guideway capital project to final design or a full funding grant agreement as defined by 49 U.S.C. 5309 for the Metropolitan Transit Authority of Harris County, Texas if the proposed capital project is constructed on or planned to be constructed on Richmond Avenue west of Montrose Boulevard or on Post Oak Boulevard north of Richmond Avenue in Houston, Texas.

SEC. 169C. Notwithstanding any other provision of law, fuel for vehicle operations, including the cost of utilities used for the propulsion of electrically driven vehicles, shall be treated as an associated capital maintenance item for purposes of grants made under section 5307 of title 49, United States Code, in fiscal year 2013. Amounts made under this heading shall be limited to $100,000,000.

POINT OF ORDER

Mr. DUNCAN of Tennessee. Madam Chairwoman, I rise to raise a point of order against section 169C.

The Acting CHAIR. The gentleman will state his point of order.

Mr. DUNCAN of Tennessee. Madam Chairwoman, I raise a point of order against section 169C on page 56, lines 10 through 16. This section violates clause 2(b) of rule XXI. It changes existing law and therefore constitutes legislating on an appropriation bill in violation of House rules.

I would also note that the issue of when transit agencies can use Federal transit funds for operating expenses is part of conference negotiations on the highway bill, which hopefully will be resolved by the end of this week. The conference report will include a better, more targeted policy on this issue.

I request a ruling in favor of this point of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this section explicitly supersedes existing law. The section therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the section is stricken from the bill.

The Clerk will read.

The Clerk read as follows:

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

OPERATIONS AND MAINTENANCE

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations, maintenance, and capital asset renewal of those portions of the St. Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, $33,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, $184,000,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $145,753,000, of which $11,500,000 shall remain available until expended for maintenance and repair of training ships at State Maritime Academies, and of which $2,400,000 shall remain available through September 30, 2014 for Student Incentive Program payments at State Maritime Academies, and of which not less than $14,000,000 shall remain available until expended for capital improvements at the United States Merchant Marine Academy: *Provided*, That amounts apportioned for the United States Merchant Marine Academy shall be available only upon allotments made personally by the Secretary of Transportation or the Assistant Secretary for Budget and Programs: *Provided further*, That the Superintendent, Deputy Superintendent and the Director of the Office of Resource Management of the United State Merchant Marine Academy may not be allotment holders for the United States Merchant Marine Academy, and the Administrator of the Maritime Administration shall hold all allotments made by the Secretary of Transportation or the Assistant Secretary for Budget and Programs under the previous proviso: *Provided further*, That 50 percent of the funding made available for the United States Merchant Marine Academy under this heading shall be available only after the Secretary, in consultation with the Superintendent and the Maritime Administrator, completes a plan detailing by program or activity how such funding will be expended at the Academy, and this plan is submitted to the House and Senate Committees on Appropriations.

SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, $4,000,000, to remain available until expended.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the necessary administrative expenses of the maritime guaranteed loan program, $3,750,000 shall be paid to the appropriation for ''Operations and Training'', Maritime Administration.

□ 2150

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, line 7, after the dollar amount, insert ''(reduced by $10,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $10,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment would reduce funding for the administrative expenses for the Maritime Guaranteed Loan program by $10,000. That's all. It doesn't sound like much, but it freezes spending at the current levels.

I believe very firmly that we ought to cut spending in this House. We've cut our MRAs, our own operating accounts for our own administrative expenses by 11 percent. What this amendment does, it freezes at the current fiscal year '12 levels. It is a minor amount of money to most folks, but still, $10,000 is a lot of money to this old Georgia boy.

So I urge adoption of my amendment, and I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I would just accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: *Provided*, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall be available until expended: *Provided further*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

SEC. 171. None of the funds available or appropriated in this Act shall be used by the United States Department of Transportation or the United States Maritime Administration to negotiate or otherwise execute, enter into, facilitate or perform fee-for-service contracts for vessel disposal, scrapping or recycling, unless there is no qualified domestic ship recycler that will pay any sum of money to purchase and scrap or recycle a vessel owned, operated or managed by the Maritime Administration or that is part of the National Defense Reserve Fleet. Such sales offers must be consistent with the solicitation and provide that the work will be performed in a timely manner at a facility qualified within the meaning of section 3502 of Public Law 106–398. Nothing contained herein shall affect the Maritime Administration's authority to award contracts at least cost to the Federal Government and consistent with the requirements of 16 U.S.C. 5405(c), section 3502, or otherwise authorized under the Federal Acquisition Regulation.

PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION

OPERATIONAL EXPENSES

(PIPELINE SAFETY FUND)

(INCLUDING TRANSFER OF FUNDS)

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, $23,030,000, of which $639,000 shall be derived from the Pipeline Safety Fund: *Provided*, That $1,500,000 shall be transferred to ''Pipeline Safety'' in order to fund ''Pipeline Safety Information Grants to Communities'' as authorized under section 60130 of title 49, United States Code.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 25, after the first dollar amount, insert ''(reduced by $1,670,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,670,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, this, like many amendments I'm offering tonight, would freeze spending at the FY12 levels. We've just got to stop spending money we don't have, Madam Chairman.

I recommend adoption of my amendment, and I yield back the balance of my time.

Mr. OLVER. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. What we are talking about here is pipeline safety inspectors. The increase in pipeline safety inspectors, and the agency is Pipeline and Hazardous Materials Safety Administration, that organization has, over the last few years, had an ever-increasing responsibility.

Just about 18 months ago, we had a Pacific Gas and Electric pipeline that ruptured in San Bruno, California. The ensuing fire and explosion leveled some 35 homes and killed eight people. The National Transportation Safety Board's investigation found that Pacific Gas and Electric's poor quality control and integrity management systems contributed to the cause of the pipeline rupture. It is a prime example of why we need strong enforcement and oversight of the Nation's ever-expanding, really already vast, but ever-expanding pipeline system.

Now, section 31 of the Pipeline Safety Reauthorization bill enacted on January 3 of this year authorized 10 additional pipeline inspection and enforcement personnel if the Pipeline and Hazardous Materials Safety Administration had filled all 135 of its existing positions by a certain deadline.

We need to be doing more rather than less on pipeline safety, and so I oppose this amendment very strongly.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I rise in strong opposition to this amendment.

This program was authorized just last year. The funds that are being cut here are for safety inspectors, and we've had explosions in Iowa.

The gentleman referred to very tragic pipeline explosions elsewhere around the country. We have seen a number of these explosion incidents. We simply cannot compromise safety in this regard. It's a small increase and consistent with the authorization that was just passed by this Congress.

I can tell you from personal experience, in a little town of Alexander, about 5 miles outside of town, it's been several years ago, but a pipeline exploded, and basically we had to evacuate about a 15-mile area, and it was a huge issue. Fortunately, no one was killed in that explosion.

But I'll just say that this is a very important function and that we need to have these inspectors. We need to have a focus on pipeline safety. And so again, I would recommend a ''no'' vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BROUN of Georgia. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

The Clerk will read.

The Clerk read as follows:

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, $42,546,000, of which $1,725,000 shall remain available until September 30, 2015: *Provided*, That up to $800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approval functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

(PIPELINE SAFETY DESIGN REVIEW FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $111,252,000, of which $18,573,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2015; and of which $90,679,000 shall be derived from the Pipeline Safety Fund, of which $48,191,000 shall remain available until September 30, 2015; and of which $2,000,000, to remain available until expended, shall be derived as provided in this Act from the Pipeline Safety Design Review Fund, as authorized in 49 U.S.C. 60117(n): *Provided*, That not less than $1,058,000 of the funds provided under this heading shall be for the one-call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5128(b), $188,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2014: *Provided*, That not more than $28,318,000 shall be made available for obligation in fiscal year 2013 from amounts made available by 49 U.S.C. 5116(i) and 5128(b)-(c): *Provided further*, That none of the funds made available by 49 U.S.C. 5116(i), 5128(b), or 5128(c) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses of the Research and Innovative Technology Administration, $13,500,000: *Provided*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $84,499,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5

U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading may be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso: *Provided further*, That no funding through expenditure transfers shall be made between either the Federal Highway Administration, the Federal Aviation Administration, the Federal Transit Administration, or the National Transportation Safety Board, and the Office of Inspector General: *Provided further*, That: (1) the Inspector General shall have the authority to audit and investigate the Metropolitan Washington Airports Authority (MWAA); (2) in carrying out these audits and investigations the Inspector General shall have all the authorities described under section 6 of the Inspector General Act (5 U.S.C. App.); (3) MWAA Board Members, employees, contractors, and subcontractors shall cooperate and comply with requests from the Inspector General, including providing testimony and other information; (4) The Inspector General shall be permitted to observe closed executive sessions of the MWAA Board of Directors; (5) MWAA shall pay the expenses of the Inspector General, including staff salaries and benefits and associated operating costs, which shall be credited to this appropriation and remain available until expended; and (6) if MWAA fails to make funds available to the Inspector General within 30 days after a request for such funds is received, then the Inspector General shall notify the Secretary of Transportation who shall not approve a grant for MWAA under section 47107(b) of title 49, United States Code, until such funding is made available for the Inspector General.

SURFACE TRANSPORTATION BOARD

SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $31,250,000: *Provided*, That notwithstanding any other provision of law, not to exceed $1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2013, to result in a final appropriation from the general fund estimated at no more than $30,000,000.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

Mr. BROUN of Georgia. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 65, line 11, after the dollar amount, insert ''(reduced by $1,940,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $1,940,000)''.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BROUN of Georgia. Madam Chair, my amendment will reduce funding for salaries and expenses for the Surface Transportation Board by $1,940,000. This office is one of 13 in the underlying bill which would receive increases for administrative expenses in this underlying bill. Passage of my amendment would simply bring funding levels back to current levels, fiscal year 2012.

Madam Chair, we are spending money we don't have. We have reduced our own operating expenses as Members of the House by 11 percent, over 11 percent, and this amendment would just freeze—would prevent any increase in the salaries and expenses for the Surface Transportation Board—to this year's level.

□ 2200

We've got to be fiscally responsible, Madam Chairman, as a Nation. We've got to stop the outrageous spending that's going on here in Washington. And this doesn't even stop it; this just freezes it at the current levels.

This, hopefully, is going to put a little spotlight on the fact that we need to stop spending money we don't have, stop borrowing 40 cents on every dollar the Federal Government spends. My amendment would just freeze spending at the current levels.

I urge support of my amendment, and I yield back the balance of my time.

Mr. LATHAM. I move to strike the last word.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, I accept the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. BROUN).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

GENERAL PROVISIONS—DEPARTMENT OF TRANSPORTATION

SEC. 180. During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. None of the funds in this Act shall be available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 183. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 184. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's ''Federal-Aid Highways'' account, the Federal Transit Administration's ''Research and University Research Centers'' account, and to the Federal Railroad Administration's ''Safety and Operations'' account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. None of the funds in this Act to the Department of Transportation may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive a discretionary grant award, any discretionary grant award, letter of intent, or full funding grant agreement totaling $1,000,000 or more is announced by the department or its modal administrations from:

(1) any discretionary grant program of the Federal Highway Administration including the emergency relief program;

(2) the airport improvement program of the Federal Aviation Administration;

(3) any program of the Federal Railroad Administration;

(4) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs; or

(5) any funding provided under the headings ''National Infrastructure Investments'' in this Act: *Provided*, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any ''quick release'' of funds from the emergency relief program: *Provided further*, That no notification shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any other Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002: *Provided*, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: *Provided further*, That prior to the transfer of any such recovery to an appropriations account, the Secretary shall notify to the House and Senate Committees on Appropriations of the

amount and reasons for such transfer: *Provided further*, That for purposes of this section, the term ''improper payments'', has the same meaning as that provided in section 2(d)(2) of Public Law 107–300.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, said reprogramming action shall be approved or denied solely by the Committees on Appropriations: *Provided*, That the Secretary may provide notice to other congressional committees of the action of the Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board of the Department of Transportation to charge or collect any filing fee for rate complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 190. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

This title may be cited as the ''Department of Transportation Appropriations Act, 2013''.

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

MANAGEMENT AND ADMINISTRATION

ADMINISTRATION, OPERATIONS, AND MANAGEMENT

For necessary salaries and expenses for administration, management and operations of the Department of Housing and Urban Development, $518,068,000, of which not to exceed $3,572,000 shall be available for the immediate Office of the Secretary; not to exceed $1,206,000 shall be for the Office of the Deputy Secretary and the Chief Operating Officer; not to exceed $1,711,000 shall be available for the Office of Hearings and Appeals; not to exceed $705,000 shall be available for the Office of Small and Disadvantaged Business Utilization; not to exceed $47,627,000 shall be available for the Office of the Chief Financial Officer; not to exceed $95,102,000 shall be available for the Office of the General Counsel; not to exceed $2,400,000 shall be available to the Office of Congressional and Intergovernmental Relations; not to exceed $3,502,000 shall be available for the Office of Public Affairs; not to exceed $247,535,000 shall be available for the Office of the Chief Human Capital Officer; not to exceed $47,500,000 shall be available for the Office of Field Policy and Management; not to exceed $16,563,000 shall be available for the Office of the Chief Procurement Officer; not to exceed $3,127,000 shall be available for the Office of Departmental Equal Employment Opportunity; not to exceed $1,404,000 shall be available for the Center for Faith-Based and Community Initiatives; not to exceed $2,360,000 shall be available for the Office of Sustainable Housing and Communities; not to exceed $4,884,000 shall be available for the Office of Strategic Planning and Management; and not to exceed $38,870,000 shall be available for the Office of the Chief Information Officer: *Provided*, That funds provided under this heading may be used for necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including purchase of uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; services as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support the housing mission area: *Provided further*, That the Secretary shall transmit to the House and Senate Committees on Appropriations a detailed budget justification for each office within the Department, including an organizational chart for each operating area within the Department: *Provided further*, That the budget justification shall include funding levels for the past 3 fiscal years for all offices: *Provided further*, that the budget submitted by the Department must also include a detailed justification for the incremental funding increases, decreases and FTE fluctuations being requested by program, activity, or program element: *Provided further*, That the Secretary shall provide the Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: *Provided further*, That the Secretary shall provide all signed reports required by Congress electronically: *Provided further*, That not to exceed $25,000 of the amount made available under this paragraph for the immediate Office of the Secretary shall be available for official reception and representation expenses as the Secretary may determine.

AMENDMENT OFFERED BY MRS. CAPPS

Mrs. CAPPS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $5,000,000)''

Page 72, line 20, after the dollar amount, insert ''(reduced by $3,000,000)''

Page 102, line 2, after the first dollar amount, insert ''(increased by $10,000,000)''.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Mrs. CAPPS. Madam Chair, this is a straightforward amendment to increase funding for the HUD Housing Counseling Assistance Program.

As we all know, the foreclosure crisis continues to ravage our families in many parts of the country. This is a problem in my home State of California, but also in many other States. Nevada, Florida, Ohio, Illinois, and Georgia all have foreclosure rates well above the national average.

There are many efforts aimed at solving this crisis, but local housing counseling agencies have proven to be among the most effective tools we have to help struggling families stay in their homes during these tough times. These local nonprofits are filled with dedicated staff who work tirelessly to help homeowners make informed decisions and stay in their homes. They provide a wide range of free counseling services, including post-purchase counseling, renter counseling, reverse mortgage counseling for senior homeowners, and counseling for homeless individuals and families seeking shelter. And they depend on Federal funding from HUD's Housing Counseling Assistance Program to provide these services.

Every dollar allocated to these local organizations helps to ensure that all homeowners in financial distress may have a trusted third-party resource to turn to free of charge. Recognizing the value and effectiveness of housing counselors, Congress more than doubled funding for this critical program from 2007 to 2010 to help combat the rapidly expanding foreclosure crisis, and that money was money well spent.

Local counseling agencies used the funding to create jobs by hiring additional counselors and expanding their services to meet the rapidly growing demand created by the recession. Sadly, however, funding for Housing Counseling Assistance was abruptly eliminated in FY 2011. This was a devastating blow to these local organizations, resulting in layoffs and, more important, elimination of a valuable and much needed service to homeowners who are in trouble. Thankfully, we were able to restore some of this funding last year, and I thank the chairman and the Appropriations Committee for maintaining last year's funding level in the bill before us.

But, frankly, this is not enough. The foreclosure crisis is far from over, and the need for this funding has never been greater.

Just last month, one in every 639 houses nationwide received a foreclosure notice. That's why my amendment would increase funding for HUD Housing Counseling Assistance by $10 million, matching the President's request of $55 million.

The amendment is fully paid for with a $10 million reduction in the administration's operations and management account. This additional funding will make a tremendous difference in the lives of middle class Americans in my district and across this country who are desperately trying to stay afloat.

In my district on the central coast of California, where the foreclosure rate remains well above the national average, every little bit makes such a difference. I know my local housing counselors, like SurePath Financial, like People's Self-Help Housing and Cabrillo Economic Development, they're going to be able to help many more of my constituents with this extra funding.

I know some States have been harder hit than others by the foreclosure crisis, but the benefits of counseling extend to all homeowners, not just those facing foreclosure. In a recently released study, HUD examined both families seeking to purchase their first homes and those struggling to prevent foreclosure. In the pre-purchase counseling study, HUD found that of those participants that became homeowners, all but one of them remained current on their mortgage payments after 18

months. This study shows that housing counseling is not only helping address the current foreclosure crisis, it's also helping prevent future crises by helping homeowners find mortgages that they can afford and fully understand.

When homeowners understand their mortgage and properly plan, they're much more likely to make their payments on time and avoid foreclosure in the future. The Housing Counseling Assistance Program helps to make that happen.

This program has broad national support from respected nonprofits like Catholic Charities, National Council on Aging, and the National Council of La Raza, and for-profit industry groups like the Mortgage Bankers Association. And it should have broad bipartisan support here in the House as well.

I'm willing to bet that most of my colleagues in this House have referred constituents in need of help to their local housing counseling agencies. I know I certainly have. I have no reservations about referring my constituents to local HUD-certified housing counselors because I know they will receive excellent advice and guidance. But as the foreclosure crisis has dragged on, demand for help has far exceeded the resources available. My amendment will not immediately solve this enormous program, but it will certainly help.

This shouldn't be a partisan issue. I know we must make tough choices to balance our budget, but we must also make smart choices. Voting for my amendment is a smart choice. It's also the right choice for Americans who are still struggling to stay afloat. So I urge my colleagues to support our local housing counselors and vote ''yes'' on my amendment.

Madam Chair, I yield back the balance of my time.

Mr. LATHAM. Madam Chairwoman, I rise in opposition to the gentlelady's amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Madam Chairwoman, again, I oppose the gentlelady's amendment.

This bill provides $45 million for housing counseling—the same as last year and $45 million more than in fiscal year 2011.

HUD just reorganized into the new Office of Housing Counseling. I would say that before we give additional resources to HUD's Housing Counseling, we need to make sure HUD has the capability to effectively implement this program. I think they ought to be able to walk before they run here.

Housing Counseling agencies are still complaining of the painstaking bureaucracy involved in applying and receiving these funds. On the other hand, people could get housing counseling from many government sources, including NeighborWorks.

□ 2210

NeighborWorks gets funding out the door quickly, has extensive metrics ensuring the proper use of the funds. We increased NeighborWorks by $10 million over last year.

We need HUD to do this thing right. So until they can prove to us they could, taking funding from HUD's salaries and expenses would not be an effective use of government resources.

Again, Madam Chair, I would urge a ''no'' vote.

I yield back the balance of my time.

Mr. OLVER. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. OLVER. I am inclined to support the amendment that the gentlewoman from California has proposed, recognizing that the request on the part of the administration was for $55 million, and that it's an interesting juxtaposition, because the HUD counseling programming, the request is for $55 million. The request for the National Reinvestment Corporation, that's NeighborWorks, which does also counseling, that request was for $213 million, for a total of $268 million.

The other body, in the legislation that they put forward, with a much larger allocation than we had in our budget because of the position on what the discretionary expenditure limits would be on the House side, the other body gave 55, the President's request, but also gave 215 for the National Reinvestment Corporation's account, which put them on the other body's side account, to $2 million above.

In the wisdom of the chairman, on the House side, in our bill, we have $10 million less for the HUD Department's program, but $10 million more for the National Reinvestment Corporation's program. To my view, it doesn't make much difference there, but I will support the gentlewoman from California for her passion on this one.

I think it is certainly very clear that if the economy recovers, more Americans are going to be buying homes and that it is crucial that we have programs in place in both of those locuses that ensure that homeowners and new homeowners and people who are prospective homeowners do not repeat the same mistakes that led us into the financial crisis in the first place.

So I think it's a small difference, but I'm going to support the gentlewoman's amendment; and I hope the amendment will be adopted.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. CAPPS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mrs. CAPPS. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. GOSAR

Mr. GOSAR. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 71, line 19, after the dollar amount, insert ''(reduced by $24,437,268)''.

Page 71, line 20, after the dollar amount, insert ''(reduced by $168,491)''.

Page 71, line 21, after the dollar amount, insert ''(reduced by $56,887)''.

Page 71, line 23, after the dollar amount, insert ''(reduced by $80,708)''.

Page 71, line 25, after the dollar amount, insert ''(reduced by $33,255)''.

Page 72, line 2, after the dollar amount, insert ''(reduced by $2,246,566)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $4,485,961)''.

Page 72, line 5, after the dollar amount, insert ''(reduced by $113,208)''.

Page 72, line 7, after the dollar amount, insert ''(reduced by $165,189)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $11,676,226)''.

Page 72, line 10, after the dollar amount, insert ''(reduced by $2,240,575)''.

Page 72, line 11, after the dollar amount, insert ''(reduced by $781,277)''.

Page 72, line 13, after the dollar amount, insert ''(reduced by $147,501)''.

Page 72, line 15, after the dollar amount, insert ''(reduced by $66,227)''.

Page 72, line 17, after the dollar amount, insert ''(reduced by $111,321)''.

Page 72, line 18, after the dollar amount, insert ''(reduced by $230,378)''.

Page 72, line 20, after the dollar amount, insert ''(reduced by $1,833,498)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $24,437,268)''.

Mr. GOSAR (during the reading). Madam Chair, I ask unanimous consent that the reading of the amendment be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GOSAR. Madam Chair, I rise today in support of my amendment to H.R. 5972, the Transportation, Housing and Urban Development and Related Agencies Appropriations Act for the Fiscal Year of 2013.

The purposes of my amendment are straightforward and simple. First, the amendment aims to hold one particular Federal agency accountable for its terrible mismanagement of resources, the Department of Housing and Urban Development, or HUD.

Second, the amendment saves over $24 million in taxpayer dollars during these trying economic times. I was perturbed to read that Appropriations Committee Report numbered 112–541 as it related to HUD's administrative operations and management. I will read an excerpt from page 71 here:

While the Committee appreciates the expanded Congressional Budget Justifications the Department submitted, the committee is appalled with the quality of the information the Department and administration provide throughout the year to explain and to justify their budget requests. HUD does not have adequate knowledge of the number of people

it takes to implement a program. Further, the information HUD provides is often wrong, contains mathematical errors, and calls into question HUD's entire Congressional Budget Justification and the Department's competence in managing its resources.

On the following page, the report goes on to show that HUD cannot account for much of its data regarding salary and benefit levels for its employees. HUD also violated the Anti-Deficiency Act multiple times in FY 2011, in which the Department hired more people than it had resources to pay.

Let me say that I do appreciate the committee's awareness of the situation and its desire to lower funding levels in this bill, as compared to last year's levels. But I believe that HUD's administrative, operations and management resources can and should be reduced to FY 2008 levels. This is a reasonable level of funding that allowed them to do their job during very troubling economic times. Unfortunately, we still live in such times; and that fact, combined with their negligence, means that they must operate with less. Business incompetence isn't an answer and cannot be rewarded within any budget.

For these reasons, I ask each Member of the House to support my amendment to the underlying bill. This is a win-win for the American taxpayer. You can cast a vote to hold government accountable and reduce the deficit, and you have the ability. Join me in supporting this commonsense amendment.

I yield back the balance of my time.

Mr. LATHAM. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. I'm very pleased that you've read our comments about HUD and the management problems that they've had down there. Obviously, they've got a long way to go. They are making some real strides and improvement. We worked closely with the Secretary to try and have some management involved finally.

But this amendment arbitrarily cuts S&E budgets to the 2008 levels. Just so everybody knows, we have already reduced funding by over $14 million from last year in this account. We've met the budget resolution levels and cut overall in the bill almost $4 billion from last year's appropriated levels.

While, again, we really appreciate the concern over the debt, this is really an arbitrary way to budget, unfortunately, and negates the months of work the committee has done in determining proper levels as far as funding.

But, again, I would love to have you read, again, the committee's comments because it has been an extraordinary problem at the Department. Again, they are making progress, not fast enough for any of us, and we have already, in the bill, cut $14 million from last year.

So with that, Madam Chair, I would urge a ''no'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GOSAR. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. NADLER

Mr. NADLER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 19, after the dollar amount insert ''(reduced by $2,000,000)''.

Page 72, line 20, after the dollar amount insert ''(reduced by $2,000,000)''

Page 88, line 23, after the dollar amount insert ''(increased by $2,000,000)''.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chair, before I get to the substance of the amendment, I cannot allow the occasion to pass because it may be my last comment on the floor on this bill, and the occasion is that this is the last time this bill will be shepherded by the gentleman from Massachusetts (Mr. OLVER), who's the ranking member and former chairman of the subcommittee, and who's done a wonderful job and has been a help to all of us and a help on amendments like this. And I just wanted to say that I regret that he will not be shepherding next year's bill and in the future.

Mr. LATHAM. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman.

□ 2220

Mr. LATHAM. Due to the hour of the evening, we will accept the amendment. We don't need a lot of discussion. We want to get on with the series of votes, so we will gladly accept the amendment.

Mr. NADLER. Let me describe it in one sentence.

This amendment increases the HOPWA, which is the Housing Opportunities for Persons with AIDS, by $2 million. It offsets it with a harmless offset.

I appreciate the cooperation, and I yield back the balance of my time.

Madam Chair, HOPWA is a national safety net for people battling HIV/AIDS, providing housing support through competitive and formula grants to all fifty states, the District of Colombia, Puerto Rico and the Virgin Islands since 1992. At any given time, one-third to one-half of all Americans with HIV/AIDS are either homeless or in imminent danger of losing their homes. Research shows that stable housing leads to better health outcomes for those living with HIV. Inadequate or unstable housing is not only a barrier to effective treatment, but also puts people with HIV/AIDS at risk of premature death from exposure to other diseases, poor nutrition, stress, and lack of medical care. Housing interventions are critical in our continued fight against HIV/AIDS, and even modest investments in stable housing programs saves federal and state tax dollars.

It is because of the important and unique role HOPWA plays in battling AIDS that the program enjoys broad bipartisan support, and it's why I'm offering an amendment today that would restore $2 million to the program.

Unfortunately, this year's Transportation-HUD appropriations bill would fund the HOP WA program at $330 million—yet another cut to this successful program, this time in the amount of $2 million, and the third cut it's received in three years.

While the loss of another $2 million for HOPWA this year may seem small by federal budgeting standards, it is far from inconsequential. By restoring just $1 million to the HOPWA program, we can help provide stable, affordable housing for approximately 171 households grappling with HIV/AIDS. If you support my amendment, which would restore $2 million to the program and would maintain flat funding from FY12 to FY13, more than 340 households will have the guarantee of secure housing for another year.

Let me repeat that: my amendment only seeks to maintain FY12 funding levels. $332 million is far from what's needed to help every household eligible for the program, but for those 350 households it means everything.

To protect these households in need while adhering to House rules, my amendment is budget neutral reducing funding for the Chief Information Officer by $2 million. I support the work of the Chief Information Officer and believe that our constituents should know about, and can gain access to, the panoply of HUD-sponsors programs designed to help them and their families. But even after my amendment, the Chief Information Officer would still have almost $37 million to do its work. At a time when all families are struggling, those living with HIV/AIDS are particularly at risk. Nothing can be more important than keeping people in their homes and helping those struggling with disease to have a fighting chance. For me, the choice is simple, and I urge my colleagues to join me in supporting my amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PROGRAM OFFICE SALARIES AND EXPENSES

PUBLIC AND INDIAN HOUSING

For necessary salaries and expenses of the Office of Public and Indian Housing, $206,500,000.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mr. CONNOLLY of Virginia.

An amendment by Mr. MCCLINTOCK of California.

An amendment by Mr. GARRETT of New Jersey.

An amendment by Mrs. CAPPS of California.

An amendment by Mr. GOSAR of Arizona.

First amendment by Mr. BROUN of Georgia.

Second amendment by Mr. BROUN of Georgia.

Fourth amendment by Mr. BROUN of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 222, not voting 35, as follows:

[Roll No. 416]

AYES—175

Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Costello
Courtney
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Duncan (TN)
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—222

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—35

Ackerman
Akin
Bilirakis
Clarke (NY)
Conyers
Crowley
Cummings
Engel
Flores
Gingrey (GA)
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
McCarthy (NY)
Meeks
Myrick
Pelosi
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

□ 2246

Messrs. HUIZENGA of Michigan, BILBRAY, and ROSS of Florida changed their vote from ''aye'' to ''no.''

Ms. HERRERA BEUTLER and Mr. PLATTS changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 238, not voting 30, as follows:

[Roll No. 417]

AYES—164

Adams
Amash
Austria
Bachmann
Bachus
Barber
Barrow
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Broun (GA)
Buchanan
Bucshon
Buerkle
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Connolly (VA)
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Doggett
Dold
Dreier
Duncan (SC)
Duncan (TN)
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Graves (GA)
Green, Gene
Griffith (VA)
Grimm
Guinta
Hanna
Harris
Hastings (WA)
Hensarling
Herger
Himes
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson, Sam
Jones
Jordan
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Paul
Paulsen
Pence
Petri
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thornberry
Tiberi
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (IN)

NOES—238

Aderholt
Alexander
Altmire
Amodei
Andrews
Baca
Baldwin
Barletta
Bartlett
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Brady (PA)
Braley (IA)
Brooks
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Diaz-Balart
Dicks
Dingell
Donnelly (IN)
Doyle
Duffy
Edwards
Ellison
Ellmers
Emerson
Eshoo
Farenthold
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Fudge
Gallegly
Garamendi
Gibbs
Gibson
Gonzalez
Gosar
Granger
Graves (MO)
Green, Al
Griffin (AR)
Grijalva
Guthrie
Hahn
Hall
Hanabusa
Harper
Hartzler
Hastings (FL)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huelskamp
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luetkemeyer
Luján
Lummis
Lynch
Maloney
Marino
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McMorris Rodgers
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Price (NC)
Quigley
Rahall
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tipton
Tonko
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Yarmuth
Young (FL)

NOT VOTING—30

Ackerman
Akin
Burgess
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2251

MR. CONNOLLY of Virginia changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GARRETT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. GARRETT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 243, not voting 29, as follows:

[Roll No. 418]

AYES—160

Adams
Alexander
Amash
Bachmann
Barletta
Barrow
Barton (TX)
Benishek
Biggert
Bilbray
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Cravaack
Denham
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Guinta
Guthrie
Hall
Harris
Hartzler
Hensarling
Herger
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Tiberi
Upton
Walberg
Walsh (IL)
West
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—243

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Bartlett
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Edwards
Ellison
Ellmers
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Hahn
Hanabusa
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Issa
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McKeon
McNerney
Meehan
Michaud
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reichert
Reyes
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tierney
Tipton
Tonko
Turner (OH)
Van Hollen
Visclosky
Walden
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Yarmuth
Young (FL)

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2255

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. CAPPS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Mrs. CAPPS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 184, noes 218, not voting 30, as follows:

[Roll No. 419]

AYES—184

Andrews
Baca
Bachmann
Baldwin
Barber
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Luján
Lynch
Maloney
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Reyes
Richardson
Richmond
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—218

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (FL)
Young (IN)

NOT VOTING—30

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stearns
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2259

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Madam Chair, on rollcall No. 419, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 179, noes 224, not voting 29, as follows:

[Roll No. 420]

AYES—179

Adams
Alexander
Amash
Austria
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Benishek
Bilbray
Bilirakis
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cardoza
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Costa
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Hanna
Harper
Harris
Hartzler
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roby
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—224

Aderholt
Altmire
Amodei
Andrews
Baca
Baldwin
Barber
Barletta
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Noem
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2303

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 230, not voting 29, as follows:

[Roll No. 421]

AYES—173

Adams
Alexander
Amash
Bachmann
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hanna
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
Marino
Matheson
McClintock
McCotter
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pence
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Tiberi
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—230

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hall
Hanabusa
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kinzinger (IL)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lungren, Daniel E.
Lynch
Maloney
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McKinley
McNerney
Meehan
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2307

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the second amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 215, not voting 29, as follows:

[Roll No. 422]

AYES—188

Adams
Alexander
Amash
Bachmann
Bachus
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Camp
Campbell
Canseco
Cantor
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Conaway
Cravaack
Crawford
Culberson
Denham
DesJarlais
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kinzinger (IL)
Kline
Labrador
Lance
Landry
Lankford
Latta
LoBiondo
Long
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McClintock
McCotter
McHenry
McIntyre
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reichert
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Terry
Thornberry
Tipton
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Woodall
Yoder
Young (FL)
Young (IN)

NOES—215

Aderholt
Altmire
Amodei
Andrews
Austria
Baca
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Hahn
Hanabusa
Hastings (FL)
Hastings (WA)
Hayworth
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lipinski
Loebsack
Lowey
Lucas
Luján
Lynch
Maloney
Matsui
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McKeon
McKinley
McNerney
Meehan
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Price (NC)
Quigley
Rahall
Reed
Rehberg
Reyes
Richardson
Richmond
Rivera
Roby
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tonko
Turner (OH)
Van Hollen
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Wolf
Womack
Yarmuth

NOT VOTING—29

Ackerman
Akin
Clarke (NY)
Crowley
Cummings
Engel
Gutierrez
Holden
Jackson (IL)
Johnson (IL)
Lamborn
Lewis (CA)
Lewis (GA)
Lofgren, Zoe
Markey
Meeks
Myrick
Peterson
Rangel
Sánchez, Linda T.
Stivers
Sullivan
Towns
Tsongas
Turner (NY)
Velázquez
Wasserman Schultz
Woolsey
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2310

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BROUN OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the fourth amendment offered by the gentleman from Georgia (Mr. BROUN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 138, noes 265, not voting 29, as follows:

[Roll No. 423]

AYES—138

Adams
Amash
Bachmann
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Bishop (UT)
Black
Blackburn
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burton (IN)
Campbell
Canseco
Chabot
Chaffetz
Coble
Conaway
Crawford
Culberson
DesJarlais
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Foxx
Franks (AZ)
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Hall
Hanna
Hartzler
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (OH)
Johnson, Sam
Jones
Jordan
King (IA)
Kingston
Kline
Labrador
Lance
Landry
Lankford
Latta
Long
Luetkemeyer
Lummis
Mack
Manzullo
Marchant
McClintock
McCotter
McHenry
McMorris Rodgers
Miller (FL)
Miller (MI)
Mulvaney
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Palazzo
Paul
Paulsen
Pence
Petri
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Renacci
Ribble
Rigell
Roe (TN)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thornberry
Walberg
Walden
Walsh (IL)
Westmoreland
Wilson (SC)
Woodall
Yoder
Young (IN)

NOES—265

Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Bass (CA)
Becerra
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Burgess
Butterfield
Calvert
Camp
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crenshaw
Critz
Cuellar
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle

Dreier	Latham	Richmond
Edwards	LaTourette	Rivera
Ellison	Lee (CA)	Roby
Eshoo	Levin	Rogers (AL)
Farr	Lipinski	Rogers (KY)
Fattah	LoBiondo	Ros-Lehtinen
Filner	Loebsack	Ross (AR)
Fitzpatrick	Lowey	Rothman (NJ)
Flores	Lucas	Roybal-Allard
Forbes	Luján	Runyan
Fortenberry	Lungren, Daniel E.	Ruppersberger
Frank (MA)	Lynch	Rush
Frelinghuysen	Maloney	Ryan (OH)
Fudge	Marino	Sanchez, Loretta
Gallegly	Matheson	Sarbanes
Garamendi	Matsui	Schakowsky
Gardner	McCarthy (CA)	Schiff
Gerlach	McCarthy (NY)	Schock
Gibson	McCaul	Schrader
Gonzalez	McCollum	Schwartz
Granger	McDermott	Scott (VA)
Green, Al	McGovern	Scott, David
Green, Gene	McIntyre	Serrano
Grijalva	McKeon	Sewell
Grimm	McKinley	Sherman
Guinta	McNerney	Shimkus
Guthrie	Meehan	Shuler
Hahn	Mica	Shuster
Hanabusa	Michaud	Simpson
Harper	Miller (NC)	Sires
Harris	Miller, Gary	Slaughter
Hastings (FL)	Miller, George	Smith (NJ)
Hastings (WA)	Moore	Smith (WA)
Hayworth	Moran	Speier
Heinrich	Murphy (CT)	Stark
Higgins	Murphy (PA)	Sutton
Himes	Nadler	Terry
Hinchey	Napolitano	Thompson (CA)
Hinojosa	Neal	Thompson (MS)
Hirono	Olson	Thompson (PA)
Hochul	Olver	Tiberi
Holt	Owens	Tierney
Honda	Pallone	Tipton
Hoyer	Pascrell	Tonko
Israel	Pastor (AZ)	Turner (OH)
Jackson Lee (TX)	Pearce	Upton
Jenkins	Pelosi	Van Hollen
Johnson (GA)	Perlmutter	Visclosky
Johnson, E. B.	Peters	Walz (MN)
Kaptur	Pingree (ME)	Waters
Keating	Pitts	Watt
Kelly	Platts	Waxman
Kildee	Polis	Webster
Kind	Price (NC)	Welch
King (NY)	Quigley	West
Kinzinger (IL)	Rahall	Whitfield
Kissell	Reed	Wilson (FL)
Kucinich	Rehberg	Wittman
Langevin	Reichert	Wolf
Larsen (WA)	Reyes	Womack
Larson (CT)	Richardson	Yarmuth
		Young (FL)

NOT VOTING—29

Ackerman	Lewis (CA)	Sullivan
Akin	Lewis (GA)	Towns
Clarke (NY)	Lofgren, Zoe	Tsongas
Crowley	Markey	Turner (NY)
Cummings	Meeks	Velázquez
Engel	Myrick	Wasserman Schultz
Gutierrez	Peterson	Woolsey
Holden	Rangel	Young (AK)
Jackson (IL)	Sánchez, Linda T.	
Johnson (IL)	Stivers	
Lamborn		

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2315

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LATHAM. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEST) having assumed the chair, Mrs. ROBY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CLARKE of New York (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. LATHAM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 18 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, June 27, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6617. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Duane D. Thiessen, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6618. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral John M. Bird, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6619. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Vice Admiral James W. Houck, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

6620. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Charles B. Green, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6621. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Gary L. North, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

6622. A letter from the Acting Under Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Dennis J. Hejlik, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

6623. A letter from the Acting Under Secretary, Department of Defense, transmitting a report on Special Compensation for Members fo the Uniformed Services with Catastrophic Injuries or Illnesses Requiring Assistance in Everyday Living Fiscal Year 2012 Report to Congress; to the Committee on Armed Services.

6624. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-31, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6625. A letter from the Assistant Secretary, Department of Defense, transmitting a draft of proposed legislation; to the Committee on Foreign Affairs.

6626. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting determination related to Serbia under section 7072(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. F, P.L. 112-74); to the Committee on Foreign Affairs.

6627. A letter from the Deputy Secretary, Department of Defense, transmitting the Department of Defense Inspector General Semiannual Report, October 1, 2011 — March 31, 2012; to the Committee on Oversight and Government Reform.

6628. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6629. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2012 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

6630. A letter from the Executive Vice President and Chief Financial Officer, Federal Home Loan Bank of Atlanta, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Atlanta; to the Committee on Oversight and Government Reform.

6631. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Cincinnati, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6632. A letter from the Acting Administrator, General Services Administration, transmitting the Administration's semiannual report from the Office of the Inspector General during the 6-month period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6633. A letter from the Chairman, Securities and Exchange Commission, transmitting the Semiannual Report of the Inspector General and a separate management report for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6634. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6635. A letter from the Staff Director, Sentencing Commission, transmitting the Commission's report entitled, ''2011 Annual Report and Sourcebook of Federal Sentencing Statistics'', pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

6636. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Airbus Airplanes [Docket No.: FAA-2011-1066; Directorate Identifier 2011-NM-050-AD; Amendment 39-16917; AD 2012-01-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6637. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2012-0534; Directorate Identifier 2012-CE-015-AD; Amendment 39-17053; AD 2012-10-04] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6638. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-0998; Directorate Identifier 2011-NM-046-AD; Amendment 39-17042; AD 2012-09-07] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6639. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model [Docket No.: FAA-2011-1169; Directorate Identifier 2010-NM-050-AD; Amendment 39-17040; AD 2012-09-05] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6640. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0384; Directorate Identifier 2010-NM-058-AD; Amendment 39-17041; AD 2012-09-06] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6641. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-0993; Directorate Identifier 2011-NM-018-AD; Amendment 39-17043; AD 2012-09-08] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6642. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of VOR Federal Airways V-10, V-12, and V-508 in the Vicinity of Olathe, KS [Docket No.: FAA-2012-0055; Airspace Docket No. 11-ACE-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6643. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Rock Springs, WY [Docket No.: FAA-2010-0131; Airspace Docket No. 12-ANM-2] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6644. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Freer, TX [Docket No.: FAA-2011-0904; Airspace Docket No. 11-ASW-12] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6645. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Red Cloud, NE [Docket No.: FAA-2011-0426; Airspace Docket No. 11-ACE-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6646. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Leesville, LA [Docket No.: FAA-2011-0608; Airspace Docket No. 11-ASW-6] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6647. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Houston, MO [Docket No.: FAA-2011-0903; Airspace Docket No. 11-ACE-20] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6648. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; New Philadelphia, OH [Docket No.: FAA-2011-0607; Airspace Docket No. 11-AGL-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6649. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Eldon, MO [Docket No.: FAA-2011-1104; Airspace Docket No. 11-ACE-21] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6650. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Branson West, MO [Docket No.: FAA-2011-0749; Airspace Docket No. 11-ACE-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6651. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Monahans, TX [Docket No.: FAA-2011-1400; Airspace Docket No. 11-ASW-15] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pender, NE [Docket No.: FAA-2011-1103; Airspace Docket No. 11-ACE-14] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Maryville, MO [Docket No.: FAA-2011-0434; Airspace Docket No. 11-ACE-9] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6654. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Baraboo, WI [Docket No.: FAA-2011-1403; Airspace Docket No. 11-AGL-29] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6655. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Springhill, LA [Docket No.: FAA-2011-0847; Airspace Docket No. 11-ASW-11] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6656. A letter from the Secretary, Department of Energy, transmitting a report entitled, ''Response to Findings and Recommendations of the Hydrogen and Fuel Cell Technical Advisory Committee (HTAC) during Fiscal Years 2010 and 2011''; jointly to the Committees on Energy and Commerce and Science, Space, and Technology.

6657. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2012-08 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from December 5, 2011 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mrs. EMERSON: Committee on Appropriations. H.R. 6020. A bill making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112–550). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 5889. A bill to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes (Rept. 112–551). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. ROS-LEHTINEN:

H.R. 6018. A bill to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE of Texas (for herself, Mr. SMITH of Texas, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. LEWIS of Georgia, Ms. HAHN, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 6019. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program; to the Committee on the Judiciary.

By Mr. CONYERS:

H.R. 6021. A bill to amend part E of title IV of the Social Security Act to require States to follow certain procedures in placing a child who has been removed from the custody of his or her parents; to the Committee on Ways and Means.

By Mr. MCNERNEY (for himself, Mr. CARDOZA, and Mr. COSTA):

H.R. 6022. A bill to amend the Federal Crop Insurance Act to expand coverage under plans of insurance available under such Act to include losses to an insured commodity when, as a result of a federally-imposed quarantine, the commodity must be destroyed, and for other purposes; to the Committee on Agriculture.

By Mr. DEFAZIO:

H.R. 6023. A bill to restrict conflicts of interest on the boards of directors of Federal

reserve banks, and for other purposes; to the Committee on Financial Services.

By Mr. MARKEY (for himself and Mrs. NAPOLITANO):

H.R. 6024. A bill to authorize development of hydropower and efficiencies at existing Bureau of Reclamation facilities; to the Committee on Natural Resources.

By Mrs. MILLER of Michigan (for herself and Mr. FLAKE):

H.R. 6025. A bill to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 6026. A bill to modify the project for navigation, Mississippi River Ship Channel, Gulf of Mexico to Baton Rouge, Louisiana, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SIRES (for himself, Ms. HAHN, and Mr. MANZULLO):

H.R. 6027. A bill to provide for universal intercountry adoption accreditation standards, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALSH of Illinois:

H.R. 6028. A bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; to the Committee on Homeland Security.

By Ms. ROS-LEHTINEN (for herself, Mr. HASTINGS of Florida, Mr. DIAZ-BALART, Mr. RIVERA, Ms. WASSERMAN SCHULTZ, Ms. WILSON of Florida, Mr. WEST, and Mr. DEUTCH):

H. Res. 703. A resolution congratulating the Miami Heat on their 2012 National Basketball Association Championship; to the Committee on Oversight and Government Reform.

By Mr. MCDERMOTT (for himself, Ms. SCHAKOWSKY, Mr. RUSH, Mr. HINCHEY, Mr. GRIJALVA, Ms. NORTON, Ms. SPEIER, Ms. LEE of California, Ms. MCCOLLUM, Mr. FILNER, Mr. OLVER, Mr. BERMAN, Mr. MORAN, Ms. MOORE, Mr. COHEN, Mr. SCHOCK, Mr. JACKSON of Illinois, and Mr. MCGOVERN):

H. Res. 704. A resolution commending Rotary International and others for their efforts to prevent and eradicate polio; to the Committee on Foreign Affairs.

By Mr. BILBRAY (for himself, Mr. HUNTER, Mr. JONES, Mr. POSEY, Ms. JENKINS, Mr. FORTENBERRY, Mr. COBLE, Mr. FILNER, Mr. SCHILLING, Mr. MCCOTTER, Ms. KAPTUR, Mr. WOLF, Mr. RYAN of Ohio, and Mr. LOEBSACK):

H. Res. 705. A resolution expressing support for the designation of a ''Buy American Week''; to the Committee on Energy and Commerce.

By Mr. ISSA:

H. Res. 706. A resolution authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas; to the Committee on Rules.

By Mr. LARSON of Connecticut:

H. Res. 707. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. ROS-LEHTINEN:

H.R. 6018.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Ms. JACKSON LEE of Texas:

H.R. 6019.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8, Clause 1 of the United States Constitution.

By Mrs. EMERSON:

H.R. 6020.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: ''No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . .'' In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: ''The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . .'' Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. CONYERS:

H.R. 6021.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. MCNERNEY:

H.R. 6022.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. DEFAZIO:

H.R. 6023.

Congress has the power to enact this legislation pursuant to the following:

Section 8, Article 5

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Mesures.

By Mr. MARKEY:

H.R. 6024.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MILLER of Michigan:

H.R. 6025.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. RICHMOND:

H.R. 6026.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. SIRES:

H.R. 6027.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. WALSH of Illinois:

H.R. 6028.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. CHANDLER.
H.R. 24: Mr. CHANDLER.
H.R. 139: Mr. DOGGETT.
H.R. 300: Mr. CAPUANO.
H.R. 324: Mr. STIVERS.
H.R. 329: Mr. CHANDLER.
H.R. 459: Mr. SESSIONS, Mr. ADERHOLT, Mr. RENACCI, and Mr. REYES.
H.R. 561: Mr. HASTINGS of Florida.
H.R. 640: Mr. HOLT.
H.R. 679: Ms. SLAUGHTER.
H.R. 687: Mr. RANGEL, Mr. SABLAN, and Mr. AKIN.
H.R. 694: Mr. BOSWELL, Mr. COLE, and Ms. EDWARDS.
H.R. 718: Ms. RICHARDSON.
H.R. 719: Mr. GALLEGLY.
H.R. 733: Mr. SHERMAN, Mr. NUNNELEE, Mr. BONNER, Mr. KELLY, and Mr. DAVID SCOTT of Georgia.
H.R. 750: Mr. HENSARLING.
H.R. 812: Ms. BONAMICI and Mr. CHANDLER.
H.R. 860: Mr. FLORES, Mr. GUTHRIE, and Ms. WILSON of Florida.
H.R. 881: Mr. STEARNS.
H.R. 890: Mr. BILIRAKIS and Mr. WAXMAN.
H.R. 941: Mr. COHEN.
H.R. 965: Mr. RUSH.
H.R. 1092: Mr. CHANDLER.
H.R. 1167: Mr. HENSARLING.
H.R. 1206: Mr. GOHMERT.
H.R. 1351: Mrs. MILLER of Michigan.
H.R. 1370: Mr. MCCAUL and Ms. BUERKLE.
H.R. 1386: Ms. BONAMICI, Mr. HANNA, and Mr. LYNCH.
H.R. 1404: Ms. SLAUGHTER, Mr. JOHNSON of Georgia, Mr. GUTIERREZ, and Ms. WILSON of Florida.
H.R. 1464: Mr. BARTLETT.
H.R. 1475: Mr. STARK.
H.R. 1490: Mr. PEARCE.
H.R. 1519: Mr. HOLDEN.
H.R. 1585: Mr. MCCLINTOCK.
H.R. 1588: Mr. BUTTERFIELD.
H.R. 1681: Mr. CLAY.
H.R. 1737: Mr. MCCLINTOCK.
H.R. 1842: Ms. BORDALLO.
H.R. 1860: Ms. JACKSON LEE of Texas and Mr. CHABOT.
H.R. 2030: Mr. FARR.
H.R. 2077: Mr. KINZINGER of Illinois and Mr. NUNNELEE.
H.R. 2299: Mr. AUSTIN SCOTT of Georgia.
H.R. 2312: Mr. LOBIONDO.
H.R. 2353: Mr. CLAY.
H.R. 2437: Mr. RUNYAN.
H.R. 2499: Mr. CASSIDY, Ms. SLAUGHTER, and Ms. EDWARDS.
H.R. 2579: Mrs. HARTZLER.
H.R. 2649: Mrs. BLACKBURN and Mr. ROE of Tennessee.

H.R. 2696: Mr. COHEN.
H.R. 2697: Ms. SLAUGHTER.
H.R. 2706: Mr. KISSELL.
H.R. 2718: Mr. DOLD.
H.R. 2722: Mr. HINCHEY, Mr. GRIJALVA, Ms. KAPTUR, Ms. WOOLSEY, Mr. COSTELLO, Ms. SUTTON, Mr. DEFAZIO, Mr. GARAMENDI, and Mr. CLARKE of Michigan.
H.R. 2730: Mr. CHABOT, Mr. FILNER, and Ms. RICHARDSON.
H.R. 2746: Mr. DAVID SCOTT of Georgia and Ms. SCHAKOWSKY.
H.R. 2794: Mr. MEEKS, Mr. BERMAN, and Mr. DAVIS of Illinois.
H.R. 2866: Mr. CARSON of Indiana.
H.R. 2899: Mr. DIAZ-BALART.
H.R. 2962: Mr. JOHNSON of Ohio, Mr. RYAN of Ohio, and Mr. ROE of Tennessee.
H.R. 2969: Mr. JOHNSON of Ohio and Mrs. DAVIS of California.
H.R. 2997: Mr. CUELLAR.
H.R. 3036: Ms. MCCOLLUM.
H.R. 3057: Mr. OWENS.
H.R. 3187: Mrs. EMERSON, Ms. LINDA T. SÁNCHEZ of California, Mrs. MILLER of Michigan, Mr. COSTELLO, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. WALDEN, Mr. LATHAM, Mr. JONES, Mr. COBLE, Mr. BONNER, and Mr. LUCAS.
H.R. 3197: Mr. DICKS, Mr. LARSEN of Washington, Mr. MCDERMOTT, Mr. REICHERT, and Mr. HASTINGS of Washington.
H.R. 3264: Mr. MCCLINTOCK and Mr. CASSIDY.
H.R. 3341: Mr. HIMES.
H.R. 3395: Mr. MCKINLEY and Mr. ROGERS of Alabama.
H.R. 3429: Mr. KISSELL and Mr. NUNNELEE.
H.R. 3444: Mr. FLAKE.
H.R. 3485: Mr. HIGGINS.
H.R. 3497: Mr. PENCE and Ms. SUTTON.
H.R. 3510: Mr. STARK and Mr. CALVERT.
H.R. 3594: Mr. BENISHEK.
H.R. 3596: Ms. CASTOR of Florida.
H.R. 3627: Mr. RYAN of Ohio and Mr. HINCHEY.
H.R. 3643: Mrs. BLACKBURN, Mr. SCHWEIKERT, and Mr. NEUGEBAUER.
H.R. 3658: Mr. RIBBLE, Mr. SENSENBRENNER, Mr. TERRY, Mr. SMITH of New Jersey, Mr. PETRI, Mr. ROHRABACHER, Mr. CLARKE of Michigan, Mr. DAVIS of Kentucky, and Mr. REYES.
H.R. 3816: Mr. BOSWELL.
H.R. 4010: Mr. WATT.
H.R. 4066: Mrs. BONO MACK.
H.R. 4103: Mr. PETERS.
H.R. 4122: Mr. STARK.
H.R. 4154: Ms. WOOLSEY, Mr. KEATING, and Mr. CLARKE of Michigan.
H.R. 4160: Mr. GARRETT.
H.R. 4169: Mr. DEUTCH.
H.R. 4173: Ms. ZOE LOFGREN of California.
H.R. 4180: Mr. WOODALL and Mr. JOHNSON of Ohio.
H.R. 4215: Mr. WEST.
H.R. 4235: Mr. KING of New York and Mr. OWENS.
H.R. 4271: Mr. CLAY.
H.R. 4279: Mr. COHEN.
H.R. 4286: Mr. REYES.
H.R. 4287: Mr. COHEN, Mrs. EMERSON, Ms. SLAUGHTER, and Mr. PETERS.
H.R. 4296: Mr. KISSELL.
H.R. 4304: Mrs. LUMMIS.
H.R. 4317: Mr. ANDREWS.
H.R. 4323: Mrs. BLACKBURN.
H.R. 4367: Mr. BISHOP of Georgia, Mr. PERLMUTTER, and Ms. TSONGAS.
H.R. 4390: Mr. RUSH.
H.R. 4396: Mr. PEARCE.
H.R. 4403: Mr. DUNCAN of South Carolina.
H.R. 4405: Mr. DOGGETT.
H.R. 4631: Mr. KELLY.
H.R. 4816: Mr. BRADY of Pennsylvania.
H.R. 4965: Mr. DUNCAN of South Carolina.
H.R. 5542: Ms. SCHWARTZ, Mr. KUCINICH, and Mr. RYAN of Ohio.
H.R. 5684: Mr. LEVIN.
H.R. 5749: Mr. MCDERMOTT.
H.R. 5796: Mr. CLYBURN, Mr. AKIN, and Mr. JOHNSON of Ohio.
H.R. 5817: Mr. GRAVES of Missouri.
H.R. 5822: Ms. BUERKLE.
H.R. 5837: Mr. MEEKS, Mr. NADLER, and Mrs. LOWEY.
H.R. 5843: Mr. KING of New York, Mr. LONG, Mr. TURNER of New York, Mr. LUJÁN, and Mr. STARK.
H.R. 5845: Ms. BERKLEY and Mr. JOHNSON of Ohio.
H.R. 5850: Mr. TURNER of New York.
H.R. 5865: Mr. SHERMAN and Mr. RYAN of Ohio.
H.R. 5892: Mr. PLATTS and Mr. LUJÁN.
H.R. 5910: Mr. CARNEY, Mr. COBLE, and Mr. NEUGEBAUER.
H.R. 5925: Mr. YODER, Mr. TIPTON, Mrs. HARTZLER, and Mr. SCHILLING.
H.R. 5932: Mrs. ELLMERS and Mr. HARRIS.
H.R. 5939: Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. SCHWEIKERT, Mr. BARBER, Mr. FLAKE, and Mr. QUAYLE.
H.R. 5943: Mr. HIGGINS, Mr. ROSS of Arkansas, Mr. GIBSON, and Mr. MURPHY of Connecticut.
H.R. 5960: Mrs. NAPOLITANO and Mr. COSTA.
H.R. 5962: Mr. NADLER, Mr. GEORGE MILLER of California, Mr. RANGEL, Mr. MORAN, Mr. KIND, Mr. MICHAUD, and Ms. SLAUGHTER.
H.R. 5976: Mr. PETERS, Ms. CHU, and Mr. BLUMENAUER.
H.R. 5978: Mr. BLUMENAUER, Mr. BUTTERFIELD, Mr. CLEAVER, and Mr. FRANK of Massachusetts.
H.R. 6003: Ms. CHU, Mr. DAVIS of Illinois, and Mr. CARSON of Indiana.
H.R. 6015: Mr. COHEN, Mr. FATTAH, and Ms. SLAUGHTER.
H.R. 6016: Mr. GUINTA, Mr. WALSH of Illinois, Ms. BUERKLE, Mr. GOSAR, Mr. GOWDY, Mr. LANKFORD, Mr. FARENTHOLD, Mr. MARINO, Mr. BARLETTA, Mr. THOMPSON of Pennsylvania, Mr. BENISHEK, and Mr. MCHENRY.
H.J. Res. 97: Mr. COHEN.
H.J. Res. 103: Mr. ROGERS of Alabama.
H. Con. Res. 115: Mr. AUSTIN SCOTT of Georgia.
H. Con. Res. 129: Mr. NUNNELEE, Mr. CARSON of Indiana, Ms. SLAUGHTER, Mr. GINGREY of Georgia, Mr. KING of Iowa, Mr. RYAN of Ohio, Mr. JONES, Mr. JORDAN, Mr. FILNER, Mr. RUSH, Mr. LATHAM, Ms. BROWN of Florida, Mr. BLUMENAUER, Mr. SCHILLING, Mr. LONG, Mrs. CHRISTENSEN, Mr. COURTNEY, and Mr. NUGENT.
H. Res. 51: Mr. CLAY.
H. Res. 134: Mr. CARDOZA.
H. Res. 153: Mr. CLAY.
H. Res. 193: Ms. BUERKLE.
H. Res. 334: Mr. CLAY.
H. Res. 397: Mr. PAUL and Ms. WILSON of Florida.
H. Res. 589: Mr. CLAY.
H. Res. 623: Mrs. BLACK.
H. Res. 663: Ms. SCHAKOWSKY.
H. Res. 669: Mr. WEST.
H. Res. 674: Mr. HINCHEY.
H. Res. 687: Mr. SCHOCK and Ms. SLAUGHTER.
H. Res. 701: Mrs. EMERSON.
H. Res. 702: Mrs. EMERSON.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5972

OFFERED BY: MR. NADLER

AMENDMENT NO. 3: Page 75, line 7, after the dollar amount, insert ''(increased by $460,000,000)''.

Page 75, line 14, after the dollar amount, insert ''(increased by $460,000,000)''.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 4: Page 90, line 12, before the period insert the following:

Provided further, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))

H.R. 5972

OFFERED BY: MR. BACHUS

AMENDMENT NO. 5: Page 92, line 16, before the period insert the following:

: *Provided further*, That of the total amount provided under this heading, up to $200,000,000, to remain available until expended, shall be for necessary expenses for activities authorized under the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.) related to disaster relief, long-term recovery, restoration of housing and infrastructure, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2011: *Provided further*, That such disaster relief funds shall be awarded only to States and units of general local government that were awarded funds under section 239 of Public Law 112–55 (125 Stat. 703), shall be awarded directly to such States and units of general local government at the discretion of the Secretary, and shall be awarded in accordance with such formula or requirements as the Secretary shall establish, except that such formula or requirements shall give preference to awards based on a county's unmet housing needs for renter occupied units: *Provided further*, That prior to the obligation of such disaster relief funds a grantee shall submit a plan to the Secretary detailing the proposed use of all such funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure: *Provided further*, That such disaster relief funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: *Provided further*, That such disaster relief funds allocated under this heading shall not be considered relevant to the other non-disaster formula allocations under this heading: *Provided further*, That a State or subdivision thereof may use up to 5 percent of its allocation of such disaster relief funds for administrative costs: *Provided further*, That in administering such disaster relief funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds or guarantees (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a request by a State or subdivision thereof explaining why such waiver is required to facilitate the use of such funds or guarantees, if the Secretary finds that such waiver would not be inconsistent with the overall purpose of the HOME Investment Partnerships Act: *Provided further*, That the Secretary shall publish in the Federal Register any waiver of any statute or regulation that the Secretary administers pursuant to HOME Investment Partnerships Act no later than 5 days before the effective date of such waiver

H.R. 5972

OFFERED BY: MRS. CAPPS

AMENDMENT NO. 6: Page 71, line 19, after the dollar amount, insert ''(reduced by $10,000,000)''.

Page 72, line 3, after the dollar amount, insert ''(reduced by $2,000,000)''.

Page 72, line 8, after the dollar amount, insert ''(reduced by $5,000,000)''

Page 72, line 20, after the dollar amount, insert ''(reduced by $3,000,000)''

Page 102, line 2, after the first dollar amount, insert ''(increased by $10,000,000)''.

H.R. 5972

OFFERED BY: MR. TURNER OF OHIO

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available in this Act may be used to establish, issue, implement, administer, or enforce any prohibition or restriction on the establishment or effectiveness of any occupancy preference for veterans in supportive housing for the elderly that (1) is provided assistance by the Department of Housing and Urban Development, and (2)(A) is or would be located on property of the Department of Veterans Affairs, or (B) is subject to an enhanced use lease with the Department of Veterans Affairs.

H.R. 5972

OFFERED BY: MR. POSEY

AMENDMENT NO. 8: At the end of the bill before the short title, insert the following:

SEC. _____. None of the funds made available in this Act may be used for the for the international highway technology scanning program, a program within the international highway transportation outreach program under section 506 of title 23, United States Code.

H.R. 5972

OFFERED BY: MR. DENHAM

AMENDMENT NO. 9: At the end of the bill, before the short title, insert the following:

SEC. ____. None of the funds made available by this Act may be used for high-speed rail in the State of California or for the California High-Speed Rail Authority.

H.R. 5972

OFFERED BY: MS. WATERS

AMENDMENT NO. 10: Page 4, after line 2, insert the following:

NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, $500,000,000, to remain available through September 30, 2014: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, or a collaboration among such entities on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments: Provided further, That the Secretary shall give priority to projects which demonstrate transportation benefits for existing systems or improve interconnectivity between modes: Provided further, That the Secretary may use up to 35 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes: Provided further, That a grant funded under this heading shall be not less than $10,000,000 and not greater than $200,000,000: Provided further, That not more than 25 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That not less than $120,000,000 of the funds provided under this heading shall be for projects located in rural areas: Provided further, That for projects located in rural areas, the minimum grant size shall be $1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to $20,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration and the Federal Maritime Administration, to fund the award and oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 11: Page 90, line 15, after the dollar amount, insert ''(reduced to $0)''.

Page 150, Line 9, after the dollar amount, insert ''(increased by $6,000,000)''.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 12: Page 89, line 13, after the dollar amount, insert ''(reduced to $0)''.

Page 89, line 15, after the dollar amount, insert ''(reduced by $3,344,000,000)''.

Page 89, line 24, after the dollar amount, insert ''(reduced by$60,000,000)''.

Page 90, line 2, after the dollar amount, insert ''(reduced by $3,960,000)''.

Page 150, line 9, after the dollar amount, insert ''(increased by $3,404,000,000)''.

H.R. 5972

OFFERED BY: MR. MCCLINTOCK

AMENDMENT NO. 13: At the end of the bill, before the short title, insert the following:

SEC. _____. None of the funds made available under this Act may be used for the Third Street Light Rail Phase 2 Central Subway project in San Francisco, California.

H.R. 5972

OFFERED BY: MR. QUIGLEY

AMENDMENT NO. 14: At the end of the bill (before the short title), insert the following:

SEC. ____. None of the funds made available by this Act may be used to administer any provision of law that requires that financial assistance for Federal-aid highway and highway safety construction projects be withheld from a State that has in effect a law or an order that limits the amount of money an individual, who is doing business with a State agency with respect to a Federal-aid highway project, may contribute to a political campaign.

H.R. 5972

OFFERED BY: MR. DIAZ-BALART

AMENDMENT NO. 15: Page 90, line 12, before the period insert the following:

: *Provided further*, That unless explicitly provided for under this heading, not to exceed 25 percent of any grant made with funds appropriated under this heading may be expended for public services (as such term is defined for purposes of section 105 of the Housing and Community Development Act of 1974 (42 U.S.C. 5305))