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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 5, 2011.

I hereby appoint the Honorable VICKY HARTZLER 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 5, 2011, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

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

AFGHANISTAN

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

Mr. JONES. Madam Speaker, I think you will note today that from both sides, the Democratic side and Republican side, there will be those of us who come to the floor to speak about bringing our troops home from Afghanistan. Friday of this week will be 10 years since we committed our troops to Afghanistan.

I would like to quote from Andrew Bacevich, in an article 2 years ago, and the title, ''To Die for a Mystique'':

''To apply to the Long War, the plaintive query that General David Petraeus once posed with regard to Iraq—'Tell me how this ends'—the answer is clear: No one has the foggiest idea. War has become like the changing phases of the moon. It's part of everyday existence. For American soldiers there is no end in sight.''

Madam Speaker, that also applies to Afghanistan. Ten years later, so many have died, so many have been wounded.

I say to the House with humility and regret that I have signed over 10,400 letters to the immediate and extended families of the fallen from both Iraq and Afghanistan. Obviously, the majority of letters now are to the families of those who have been killed in Afghanistan.

Poll after poll has shown that the American people in large percentages want our troops home now. This number of people continues to grow as the number of dead and wounded increases.

Madam Speaker, beside me is a poster of a young Army couple where the husband has lost both legs and an arm. How many more have to give their lives, their minds, and their bodies for a corrupt Afghan leader named Karzai?

I encourage the people of this country to put pressure on Congress, especially the Republican leadership, by calling their Members of Congress and telling them to bring our troops home before the 2015 deadline.

Why do I say 2015? I will quote Secretary Gates as he appeared before the Armed Services Committee in February of this year.

Secretary Gates: ''That is why we believe that beginning in fiscal year 2015, the United States can, with minimal risk, begin reducing Army active duty end strength by 27,000 and the Marine Corps by somewhere between 15,000 and 20,000. These projections assume that the number of troops in Afghanistan would be significantly reduced by the end of 2014''—by the end of 2014—''in accordance with President Obama's strategy.''

Madam Speaker, the problem there is that 2014 becomes 2015, 2015 becomes 2016. How many more have to die? How many more have to lose legs and arms and try to live the rest of their lives in that kind of situation?

Madam Speaker, I learned just recently that the Chinese are in Afghanistan buying copper, and this soldier told me that his unit was notified that the Chinese needed protection. How crazy is crazy? And our young men and women are over there walking the roads of Afghanistan.

American people, join those of us in Congress in both parties. Let's bring them home now, not 2015.

Madam Speaker, as I always close on the floor and I will close again today, I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who have given a child dying for freedom in Afghanistan and Iraq. I ask God to please bless the House and Senate that we will do what is right in the eyes of God for His people. And I will ask God to give wisdom, strength, and courage to President Obama that he will do what is right in the eyes of God for God's people.

And I close by asking three times, God please, God please, God please continue to bless America.

TEN YEARS OF WAR IN AFGHANISTAN: THE COSTS ARE TOO HIGH

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

Mr. MCGOVERN. Madam Speaker, on Sunday, newspapers across the country reported that the total number of U.S. military deaths in Afghanistan since 2001 is 1,780. This tally may be slightly

incomplete because of lags in reporting.

One thousand seven hundred and eighty servicemen and women, Madam Speaker. Husbands and fathers, wives and mothers, sons and daughters, brothers and sisters—holes created in families and communities that can never be filled, losses that will be felt for a generation or more.

Saturday began a new fiscal year, Madam Speaker, fiscal year 2012. According to the Congressional Research Service, the estimated war funding for Iraq and Afghanistan since 2001 through fiscal year 2011 is $1.283 trillion; $443 billion of that has been spent in Afghanistan.

For fiscal year 2012, which began on Saturday, we will spend another $113.7 billion in Afghanistan. By this time next year, our total spending in Afghanistan will be $557.1 billion, or over half a trillion dollars.

And when I say ''spend,'' Madam Speaker, I really mean ''borrow,'' because from day one of the Afghanistan war—and the Iraq war, for that matter—we have not paid for these wars. We have borrowed nearly every single penny of that money, put it on the national credit card, let it rack up over a quarter of our cumulative deficit, helped explode our debt year after year for a decade.

There has only been one other time in the history of the United States that a war was financed entirely through borrowing, Madam Speaker, without raising taxes, and that was when the colonies borrowed from France during the Revolutionary War.

I know lots of Members in this House believe in the Tea Party, but that's just stupid economics.

Even if we were to leave Afghanistan and Iraq tomorrow, our war debt will continue for decades. Future bills will include such things as caring for our military veterans and providing them the benefits they have earned through their services. It will require replacing military equipment, rebuilding our Armed Forces and paying interest on the trillions we have borrowed for these wars. These costs are significant.

Madam Speaker, this Friday, October 7, marks the 10th anniversary of U.S. military operations in Afghanistan. Ten years, Madam Speaker. Ten years of support for a corrupt government. Ten years of sacrificing our brave uniformed men and women. Ten years of borrowing money we never had.

This war is no longer about going after al Qaeda, which I voted to do. Osama bin Laden is dead. Instead, we're now bogged down in a seemingly endless occupation in support of a corrupt, incompetent Karzai government. This is not what I voted for.

And the human and financial costs of the war in Afghanistan go on and on and on, not just on the battlefields of Afghanistan, but in veterans hospitals and counseling clinics around the country. Another $8.4 billion to care for our veterans wounded in both body and soul.

□ 1010

We continue to struggle with soaring posttraumatic stress and suicide rates among our soldiers and our veterans. Their impacts are devastating on families, friends, colleagues, and military buddies.

It is hard to explain how we could borrow and spend so freely, so casually, while our men and women bled in the plains and mountains of Afghanistan, but now we have to face the consequences of that lack of accountability, that lack of responsible governance.

When the supercommittee makes its decisions on how to handle the deficit and the debt, I say ending the wars as rapidly as possible must be the first item on the table. I also say that, from this point forward, the wars must be paid for. No more emergency funding. No more overseas contingency funds that get a free pass from responsible budgeting. I believe President Obama has to bring this to the negotiations, and the House and Senate members of the supercommittee have to step up to the plate and end these wars. End these wars now. They have undermined our economy, and they have undermined our security.

Ten years into the Afghanistan war, the violence shows no signs of abating; the Karzai government shows little interest in cleaning up corruption; and no one is interested in the kind of region-wide negotiations required to bring stability and security to all parties.

So I say enough is enough. Get out of Afghanistan. The costs in blood and treasure have been too high. Ten years is more than enough. After 10 years, it's time to come home.

THE IMPACT OF REGULATIONS ON BUSINESS

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

Mr. BONNER. Madam Speaker, while long-term unemployment is now worse than at any time since the Great Depression and while Americans in growing numbers are becoming more and more concerned about the direction their country is heading, the one thing that is uniting Americans is the realization that their Federal Government is unnecessarily getting in the way of job creators, of both small and large businesses alike, by tying the hands of employers with bureaucratic redtape and over-the-top, unnecessary and often duplicative regulation.

A recent Tarrance Group survey found that three-quarters of the American people believe that businesses and consumers are overregulated. Another two-thirds believe that regulations have increased over the past few years. Americans, understandably so, are concerned that regulations will create a hindrance to job creation, and most believe that new regulation will either bring more job losses or increased prices.

Madam Speaker, the American people have good reason to be concerned. From higher taxes on workers and businesses to the greater intrusion by the Federal Government into personal health care decisions, there has been plenty of evidence that this administration wants to grow the size and reach and scope of government in ways that we have never before seen in the history of America. At any time, the heavy hand of Big Government regulation is bad news for jobs, but during the middle of the worst recession since the Great Depression, it defies common sense for government to place even more roadblocks in front of struggling businesses.

While largely unseen by the public and, more times than not, not even debated here on the floor of Congress, Federal regulations directly impact jobs and job creation. A Small Business Administration report released just last September, in September of 2010, noted that Federal regulations cost businesses $1.7 trillion each year and that small businesses, in particular, bear a disproportionate share of these costs, averaging over $10,000 for each employee.

Along America's gulf coast, we have recently experienced the direct impact of Federal Government overreach in the oil production industry. The administration's de facto moratorium on new oil drilling has cost our region of the country tens of thousands of jobs—some say as few as 30,000, others as many as 70,000 jobs that have been lost—at a time when the gulf coast is still struggling to recover from the worst manmade disaster in American history.

Just last week, I visited several large and small manufacturers in south Alabama, in Alabama's First Congressional District, that are doing their very best to turn a profit under the mantle of increased Federal regulation.

In one case, a small manufacturer with 28 employees related how they cannot expand their production due to new Federal regulations. In fact, they are now being forced to downsize. Incredibly, when EPA visits companies to perform audits, oftentimes they take away whole file drawers or cabinets full of records. The small business owners pay taxes on company profits from their personal income taxes, and they have to keep a consultant on retainer just to stay in compliance with all of the regulations. A medium-sized manufacturer we visited last week told me—and they've got plants in other States as well, not just in Alabama—that the new proposed regulations that they are looking at would cost their company alone over $100 million in new regulation.

During his jobs speech to Congress, in this very Chamber just last month, the President admitted that government regulations on businesses serve to dampen job creation. He even suggested that he would be willing to work

with Congress to review such actions. But in the following weeks, there has been little evidence to suggest that the President is serious.

Let me be clear: Federal regulations do have their place in ensuring the safety of both workers and consumers. Federal laws have contributed greatly to maintaining our clean air and water as well as the safety of our transportation system, our food and consumer products, to name but just a few. No one is saying we shouldn't have any regulation. But for all the good that a responsible government can provide with reasonable oversight, make no mistake that overzealous regulation can stifle our economy and contribute to a reduced quality of life for all Americans. That is why House Republicans are working to pass legislation to rein in out-of-control Federal regulations that strangle job creation.

Last week, the House passed the TRAIN Act. If enacted into law, this one bill would prevent the administration from imposing some of the most controversial new EPA rules, which further threaten job creation and the economy. It would also force the administration to review the impact of new regulations before they're applied. Today, the House is considering two additional significant regulatory reform bills—the Cement Sector Regulatory Relief Act of 2011 and the EPA Regulatory Relief Act of 2011.

I urge that Congress pass this and help put the government on the side of the American workers and job creators, not against them.

THE AMERICAN AWAKENING

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

Mr. DEFAZIO. Three years ago, after a decade of deregulation, the repeal of Glass-Steagall, which was the deregulation of derivatives, Wall Street—the ''job creators''—gambled our economy into oblivion, but they never paid the price.

Remember George Bush and Hank Paulson, who was the Secretary of the Treasury? Well, he was kind of a stand-in, because, actually, he was the former chairman of Goldman Sachs, pretending to be Secretary of the Treasury. He took care of his buddies on Wall Street, but he was aided and abetted by none other than Tim Geithner, the chairman of the New York Fed. In fact, in one of the most outrageous moments of this whole scenario, Tim Geithner, now Secretary of the Treasury—although he wasn't chairman of Goldman Sachs, but it's probably in his future—decided to pay off the gamblers 100 cents on the dollar when the government had to do the biggest bailout in history of AIG. Now, that was incredible—100 cents on the dollar.

At the time, I proposed that, in fact, Wall Street should pay for its own bailout—that is, a tax on speculators and reinstituting a tax we had from 1916 to 1966 while we built the greatest industrial Nation on Earth. It didn't hurt investment in capitalism then. It wouldn't hurt it now. In fact, if we reined in some of the speculators, our real economy would be better off for it.

But now there's sort of been this amazing political jujitsu where somehow the Republicans, aided by the Koch Brothers, who have also subsidized the Tea Party, have changed the narrative. It was the government. It was overregulation. Overregulation? Oh, come on, guys. There were no rules. They gambled our economy into oblivion. You cannot pretend that this wasn't wild and reckless, but you've changed the narrative. You took over the House.

Now, this fall, something is happening. Something in this land is happening. I call it the American awakening—the occupation of Wall Street, which is now spreading to other cities across this country.

□ 1020

They make fun of these young people because they are not totally focused on what they want, but what's happened is their future has been stolen from them. I saw some Fox commentators yesterday morning making fun of them saying, Oh, do you think they got time off from work? Oh, well, they don't have jobs, do they?

No, they don't have jobs. What are we doing to create jobs and give these kids a future in this country and rein in the gamblers on Wall Street and restore the real economy, the productive economy of this country? Nothing. In fact, you want to go back to 2008. That was your dream.

It is time to begin to deal meaningfully with these problems in this country and that we have the greatest disparity of wealth in our history. Corporate profits are up; jobs are down. CEO pay up; jobs are down. Bonuses on Wall Street, whoa, six figures, up. Jobs, down.

It's time to rectify this, and I think the young people and the others who are joining them on Wall Street get it. They may not be totally focused, but they know that this isn't a country that gives them a fair shot at the American Dream anymore. It's a stacked deck, and it's time for a new deck and a new order.

Reregulate the reckless gamblers on Wall Street. Rein them in, take steps to rebuild our real economy, give people a future, invest in education, invest in the basics of this country, transportation, infrastructure; and we can be a great Nation again. But if we continue down this path, or even if they accelerate us down this path with helping the job creators destroy the economy again, there's no hope.

10TH ANNIVERSARY OF OUR SEEMINGLY ENDLESS WAR IN AFGHANISTAN

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

Mr. DUNCAN of Tennessee. Madam Speaker, I rise along with others this morning to note the 10th anniversary of our seemingly endless war in Afghanistan. This is a war that long ago became much more about money for the Pentagon and defense contractors than about any real threat to the American people.

And, unfortunately, just yesterday we authorized spending at a level of $118.7 billion for the coming year in Iraq and Afghanistan. Madam Speaker, we have turned the Defense Department into the Department of Foreign Aid, and the American people are tired of it. They want us to stop rebuilding Iraq and Afghanistan and start taking care of our own people.

We have spent and are spending billions and billions, hundreds of billions that we do not have, that we are having to borrow on people who do not appreciate it unless they are on our payroll.

I know last year, Hamid Karzai, the leader of Afghanistan, told ABCNews that he wanted us to stay there another 15 or 20 years. Well, he wants our money; but we don't have enough of it, and we can't afford this.

Alfred Regnery, the publisher of the conservative The American Spectator magazine wrote last October that ''Afghanistan has little strategic value'' and ''the war is one of choice rather than necessity.'' He added that it has been a wasteful and frustrating decade.

General Petraeus testified in front of one of the congressional committees several months ago that we should never forget that Afghanistan has become ''the graveyard of empires.''

The American people do not want, nor can we afford, endless, permanent wars; nor do they want 11- or 12-year wars that last about three times as long as World War II.

Charlie Reese was a columnist for the Orlando newspaper, and a few years ago, probably in the mid- or late 1990s, he was voted the most popular columnist by C–SPAN viewers. Over 25,000 people, I think, participated in that poll.

But he was very much opposed to these wars, and he wrote this about the Iraq war, but it applies equally well to Afghanistan: He said this war was ''against a country that was not attacking us, did not have the means to attack us, and had never expressed any intention of attacking us. And for whatever real reason we attacked, it was not to save America from any danger, imminent or otherwise.''

William F. Buckley, Jr., the conservative icon, wrote this a few years ago: He said, ''A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity

conveys not steadfastness of purpose, but misapplication of pride.''

I want to repeat that. He said, ''A respect for the power of the United States is engendered by our success in engagements in which we take part. A point is reached when tenacity conveys not steadfastness of purpose, but misapplication of pride.''

I think the American people long ago reached the point where they felt that these wars should come to an end and we should start taking care of our own country.

Georgie Ann Geyer, the conservative foreign policy columnist, wrote this a few years ago: ''Americans, still strangely complacent about overseas wars being waged by a minority in their name, will inevitably come to a point where they will see they have to have a government that provides services at home or one that seeks empire across the globe.''

Madam Speaker, fiscal conservatives should be the ones most horrified by all this waste and all this spending. I wonder sometimes if there are any conservatives at the Pentagon, any fiscal conservatives at the Pentagon.

I will say once again, these wars became long ago more about money and power than they did about any real threat. It is a shame what we are doing to the young people of this country, both those in the military and those outside the military.

Just this past Sunday, I went to the funeral of another soldier, a young 21-year-old man in Madisonville, Tennessee, who had been killed in Afghanistan. And I can tell you it's time to stop all the killings of all of our young people and let them have a good future in this country once again.

THE WAR IN AFGHANISTAN

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

Mr. WELCH. Madam Speaker, I, first of all, wish to associate myself with the remarks of Mr. DUNCAN, Mr. JONES, and Mr. MCGOVERN, who spoke earlier; and I intend to address the issue of the war in Afghanistan.

This war has got to end. It's got to end because it's making us weaker, not stronger. It's a dead-end strategy that is the result of decisions that were made that do not treat with the respect they are entitled to the willingness of our men and women in uniform to serve. They will do whatever it is we ask them to do.

Our job is to give them a policy that's worthy of the sacrifice that they are always willing to make. This war in Afghanistan has been going on for 10 years. It has morphed into the United States military and the United States taxpayer having the burden of building a nation in Afghanistan. That can't be done. We know it can't be done, but there is an unwillingness to have a reckoning in this Congress and in this country to turn the direction of our national defense into fighting terrorism in a sensible way, not nation-building in Afghanistan.

So the central issue here is not just the money, which I'll address; it's not just the time that this war has been going on, which I'll address; it's the basic strategy. This nation-building approach, over 100,000 American troops in Afghanistan, over 110,000 contractors, does that make sense when the enemy that we're fighting is decentralized and dispersed? It's not a nation state threat.

And the answer to that, we all know—it's common sense, you don't have to be a military strategist—is no. And the main reason we continue on in Afghanistan is because arguments are made that it will look bad or it will look weak if we leave.

Mr. DUNCAN said something, I think, that makes a lot of sense. When you are persistent in the face of facts that show that what you are doing is wrong, it's time to adjust the strategy. We in this Congress owe it to the men and women in uniform to give them that strategy that's worthy of their willingness to sacrifice.

We went into Afghanistan for a legitimate reason. That reason does not exist today. We went in because that was the launching sight where Osama bin Laden planned the 9/11 attacks. And we had a right, in our national self-defense, to take out the sanctuaries and to pursue Osama bin Laden.

Those sanctuaries have been taken out, and now what we are engaged in is a continuation and a stumbling ahead towards a policy of this nation-building where we have 100,000 troops, 40,000 international troops, 110,000 contractors, where we're throwing money at problems as though these contractors can get something done, and the corruption associated with a lot that contracting is rampant.

□ 1030

There are 286,000 Afghan National Security Forces troops who are poorly trained and leave at a moment's notice. This has come at an enormous expense to this country: $10 billion a month; $2.3 billion a week; $328 million per day; $13.7 million an hour.

What is happening? Is that where the threat to the country is coming from? The terrorist plots that we can identify that have happened in recent years, the Fort Hood shooting that killed 13 people in November 2009, that was planned in Yemen by Anwar Al Awlaki. The plot to bring down Northwest Airlines Flight 253 on Christmas Day 2009 was planned in Yemen by the same man. The attempt to bomb Times Square in May 2010 was planned and ordered by the Pakistani Taliban. And the October 2010 plot to bomb cargo planes was again planned in Yemen.

So the threat is real. Terrorism is a threat to this country. We have to address it, but we have to have a strategy that works. And having 100,000 of our troops in one nation when the terrorist threat is dispersed and decentralized throughout other parts of the world doesn't make any sense. It's time for this Congress and this President to call the question, change the strategy which requires us to right-size what our effort is, because that will, A, protect the American people in a better, more effective way; and, B, it will be a sustainable strategy, which has to be a responsibility of the policymakers.

There's been enormous sacrifice by the men and women in uniform. The troops from the State of Vermont have sacrificed and lost more lives in the Iraq and Afghanistan war on a per capita basis than any other State in the Nation. They are entitled to a policy worthy of their sacrifice.

SUFFOCATING REGULATORY ENVIRONMENT

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

Mr. HURT. Madam Speaker, I rise today on behalf of the people of Virginia's Fifth District, on behalf of the small business owners and farmers across central and southside Virginia who have been directly negatively impacted by the suffocating government regulatory environment.

These good people have been so overburdened by an overreaching government that they are left struggling to make ends meet in these challenging economic times, unable to expand their businesses and discouraged from starting new ones. Over the past 2 months, I have traveled through the Fifth District, making stops from Green County to Danville, from Martinsville to Brunswick County. I heard from constituents about the very real effects that unnecessary government regulations are having on their businesses and their lives.

Just this last week, I visited with a convenience store owner in Campbell County who has five stores and 48 employees. He has the desire and the resources to expand and build two more convenience stores, creating more jobs in the area, but he reports that he is unwilling to do so because of the mandates and taxes that will be imposed on his business as a part of the job-destroying government takeover of health care.

Last week I also visited with an owner of an auto repair shop in Appomattox. He told me that he first started his business back in 1987. Back then, he was able to get his business up and running in one day. One day was all it took for him to obtain all of the required permits and licenses and pay all of the required taxes and fees. After running his shop for a number of years, he then moved on to another job. Then just recently in 2011, he decided he wanted to reopen his shop and found that instead of taking one day to wade through the regulatory redtape, this year it took him 5 months.

If the President and the United States Senate want to know why our economy isn't growing, this is why. These are the real life implications for Fifth District Virginians and all Americans created by the regulatory agenda that has been put in place by this administration and the last Congress over the past 2 years. These added costs jeopardize the success of our small businesses and destroy jobs. The added uncertainty crushes the entrepreneurial spirit and stalls economic growth. And the added expansion of the Federal Government strips away our freedoms and our opportunities.

So when a diner owner in Farmville tells me that Washington is taking the breath away from the American people, this is what she's talking about, an ever-growing government that stands as a barrier between a struggling economy and a growing, vibrant economy that we all desperately want.

So as the House continues to lead the way and works to reduce unnecessary regulations, it is my hope that we will keep in mind the convenience store owners, the auto repair shop owners, and all of the small businesses and farmers who are relying on us to get this right, who are relying on us to support those policies that remove the Federal Government as a roadblock to job creation and return our economic recovery back where it belongs—in the hands of the people.

AFGHANISTAN STILL NEEDS AN EXIT STRATEGY

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

Mr. GARAMENDI. Thank you, Madam Speaker.

On October 7, 2001, the United States officially began Operation Enduring Freedom, and the war in Afghanistan was underway. The last decade of wars has cost thousands of U.S. lives and hundreds of billions of taxpayer dollars.

As a member of the House Armed Services Committee and as a representative of thousands of servicemembers, military families, and veterans, I'm entrusted with weighing the decision on what the profound effect on our Nation's security this war has brought and on the men and women that risk their lives every day to ensure that security. As we mark the 10th anniversary of the longest war in America's history, we believe it's time for Congress to ask some very serious questions about our military engagement in Afghanistan.

Whom are we fighting in Afghanistan? We entered this war because of the threat posed by the international terrorist organization al Qaeda. While al Qaeda expands its operations around the globe, our military is tied up in a ground war against the Taliban, an Afghan rebel group with domestic ambitions. Senior intelligence officials have estimated fewer than 100 al Qaeda members remain in Afghanistan, yet we plan to have 68,000 U.S. troops there in that country through the next year. If we are to defeat terrorism, we must stick to our original strategic mission, maintaining a laser-like focus on al Qaeda and capitalizing on our technological and intelligence advantages to cut off their financing, intercept their operations, and take out their leaders. The successful operation against Osama bin Laden epitomizes this targeted approach.

Where's our money going? Afghanistan is widely considered to be one of the most corrupt countries in the world, behind only Somalia, and news reports of new corruption emerge every day. Billions of U.S. dollars are siphoned off by crooked officials and contractors, carried out of the Kabul airport in bags of cash, and even funneled to warlords and the very Taliban that we often oppose. To date, the U.S. has spent nearly half a trillion dollars in Afghanistan, and that pricetag increases by $10 billion every month that we stay there. Meanwhile, we are forced to cut critical services at home in the face of our rising deficit and financial instability. We continue to hemorrhage finite U.S. resources in Afghanistan, and it makes us less, not more safe.

When will this war end? While the current timeline commits 68,000 troops through 2013, there are reports, backed up by some facts, that in the ongoing talks with the Afghan government about the future of the U.S.-Afghanistan relationship, the U.S. is considering having 35,000 U.S. troops in Afghanistan until 2025 at an expected cost of over $50 billion a year.

The human cost of this war is immeasurable. The dedication and the commitment of American men and women in uniform is absolute. Our troops in Afghanistan execute their orders that put them at risk because they trust the mission in which they are deployed. That is absolutely essential to our Nation's security. This steadfast loyalty is our Nation's most sacred resource, and thus, it is our most solemn responsibility to ensure that it is never squandered.

There is no U.S. military solution in Afghanistan. A political reconciliation is essential. Afghanistan's future depends upon Afghans, not American soldiers. By ending this war, America can focus on rebuilding the foundations of America's strength and security by paying down our Federal deficit, growing our economy, and putting Americans back to work.

□ 1040

THE PRESIDENT'S OCEAN ZONING PLAN

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

Mr. SOUTHERLAND. Madam Speaker, yesterday, in the Natural Resources Committee, we held an oversight hearing regarding the President's new National Ocean Policy, an Executive order to tell us how we can best use our oceans.

Yesterday, it was amazing to hear those who believe in this policy applaud the use of the Federal Government in bringing stakeholders together. I will say this: This particular policy has been driven from the White House through Executive order under the auspices of ocean conservation, when its actual effects will be far reaching, economically harmful and hurtful to American jobs and businesses both at sea as well as ashore.

Inside of this policy, there is something called marine spatial planning, how to best use our oceans, totally ignoring the common sense that the God who created us gave us at the moment He did create us. The background of this goes back quite some time.

In 2009, a task force—I love those here. We have so many. We have councils and task forces. Do you know what? We need to form another committee. Well, I'm of the opinion that had Moses formed another committee, they would still be wandering around in the desert today. However, that's the mode of operation here. And in these frameworks and in these task forces, they come out with effective coastal and marine spatial planning.

I believe this is one of the largest efforts of government regulatory overreach in my lifetime. And with the world being 73 percent water, what better way—for if we can capture and make sure that we determine what people do with these waterways, what better way to push our policies forward, to rob the American people of job opportunities and the freedoms that I believe were given at birth?

The National Ocean Policy is less about coordinating fishing activities with other ocean user activities and more about creating new regulatory processes to further restrict fishing opportunities in both the recreational and commercial fishing sectors, according to the director of public affairs for the At-sea Processors Association.

In my State of Florida, we have a crisis when it comes to homes and when it comes to real estate. Yet I know that homebuilders are going to be damaged greatly because this regulatory push does not just deal with offshore, but it also deals, as I stated, with onshore.

The National Ocean Policy has a potential to create yet another set of standards and/or approvals that could unnecessarily impose significant impacts on homebuilders, private landowners, and other businesses while providing minimal—minimal—effects. Yesterday, we heard that what this plan does is bring together, through an adaptive process, stakeholders. Well, do you know what? We have the ability as stakeholders to communicate now.

Since when do we need the Federal Government to tell us that we can talk

to each other? Have we been so dumbed down? No, we have not. We have the ability to talk now and communicate without forming another government bureaucracy that robs us of those freedoms.

And I appreciate that call to being a stakeholder at the table, but really—really—that would be like the Greeks asking the people of Troy to help plan the design and construction of the Trojan Horse. This is nuts—nuts.

I live in Florida. I lived on the coast. I have spent my whole life on the coast.

This is another plan to push onerous regulations upon the American people and to rob the States and to abolish and do away with the 10th Amendment. I'm telling you, the States should be doing more while the Federal Government should be doing less.

Do not be fooled by this. We must not be fooled by this. They say we need an economic analysis going forward. Well, how about a constitutional analysis to examine the balance between the Federal Government and the State governments?

The National Ocean Policy is something that concerns me greatly, and I really believe with all my heart it would have concerned, in a terrible way, our Founding Fathers. This is an effort to turn our oceans into an aquarium. It is high time that the American people stood up and said enough is enough.

SOCIAL SECURITY

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

Ms. KAPTUR. Madam Speaker, I rise to defend Social Security. We've heard Social Security derided by certain extreme politicians lately claiming it can't survive, that it's unsustainable and that the beneficiaries who earned their retirement benefits need to face the hard truths. Well, here are some really hard truths about Social Security:

The average retirement benefit is merely $14,000 a year;

The median income of senior households is only $25,000 a year;

One in three seniors depend on Social Security for 90 percent or more of their income.

The fact is that Social Security is a critical program for seniors across our country. It is a lifeline to half of all seniors who make under $25,000 a year.

This is a chart that shows the various income levels. Half of the people of our country who are seniors receive less than $25,000 a year on the program. It is even more important to the 25 percent of seniors who earn less than $15,000 a year. And for the nearly 4 million seniors who earn less than $10,000 a year, it is the difference between scraping by or having nothing at all. According to the Center for Budget and Policy Priorities, Social Security keeps 20 million Americans out of poverty.

It is especially important for women. Women over the age of 80 are most likely to be living at or below the poverty level. Nearly a quarter of women in that age group are officially destitute. Pay attention to them. When you're at the supermarket and you see them looking at cases and they can't buy anything, give them $5. Social Security benefits millions of older women and helps keep them out of poverty.

What many people seem—or choose—to forget is that Social Security is an insurance program for retirement, for disability, and for survivorship. It is not designed to give you higher returns or beat the Standard & Poor's 500 or bolster your stock portfolio. It is not welfare. Social Security is an earned insurance benefit designed to give retirees, the disabled, and survivors stable, guaranteed benefits each month for the rest of their lives. It is financed by the taxes retirees paid into the system during their working years matched by their employer.

Born out of the Great Depression, President Roosevelt ensured the program would be financed by payroll deductions, matched by employers, so Americans would understand this insurance program is an earned benefit. This arrangement would guarantee, as he put it, that: no politician can ever scrap that Social Security program.

This is exactly why putting people back to work and creating jobs is the best long-term financing solution to ensure Social Security's long-term solvency. There are 14 million Americans out of work, and getting the unemployed back to work is the fastest way to inject billions of dollars back into the Social Security trust funds, stabilizing the program for generations to come.

With all of the misleading Republican rhetoric about Social Security being broken and a so-called ''lie,'' they claim, some have forgotten that the other side has always been opposed to the program.

In 1935, the Social Security Act made its way through the Ways and Means Committee but received not a single Republican vote on the committee. The ranking Republican said at that time that he would ''vote most strenuously in opposition to the bill at each and every opportunity.'' Republicans have opposed the program every step of the way.

In 1984, former Representative Dick Armey, now a Tea Party godfather, described Social Security as a ''bad retirement'' plan and a ''rotten trick'' on the American people. He said, ''I think we're going to have to bite the bullet on Social Security and phase it out over a period of time.''

And then in 1987, former Representative Newt Gingrich said, ''While many politicians are still afraid to mention abolishing Social Security,'' he said, ''I am convinced this generation is ready for honest talk and real leadership.''

These are not retired politicians speaking. One is a leader in the Tea Party, and the other is a candidate for the Republican nomination for President.

Even today in our House, we have Members who still are beating the tired, failed horse that Social Security is unconstitutional.

□ 1050

But the numbers are clear. Half of all seniors live near or below the poverty line, and one in three seniors depends on Social Security for more than 90 percent of their income. What happens to these Americans if we start violating the program they depend on, frankly, for their lives?

Let me close with some comments from Americans in Ohio about Social Security. A woman from Toledo wrote: ''My retiree insurance was canceled last year. I had to get a plan to pay for my medicine. Even though I have part D, I still have to pay for my prescriptions because I'm in the doughnut hole. It costs me more than $700 a month. That's half my Social Security check.'' Her story is the story of millions of Americans across this country.

I urge my colleagues to stand with me to protect Social Security and its guaranteed secured benefits for all retired Americans. Our seniors have earned these benefits.

BRING OUR TROOPS HOME FROM AFGHANISTAN

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

Mr. GEORGE MILLER of California. This Friday, October 7, marks the 10th anniversary of the beginning of the war in Afghanistan. Our men and women in uniform have fought valiantly in this war over the last decade at great cost. More than 1,700 American soldiers have lost their lives as they fought to destroy al Qaeda and hunt down Osama bin Laden. Thousands more have come home with very serious life-long injuries.

When I'm at home in California and talk with veterans and their families, I can see how much our soldiers have sacrificed. I want to offer my sincere thanks and appreciation to all of the men and women in uniform who have carried out their duty in Afghanistan.

As the anniversary approaches, I am thinking particularly of Army Captain John Hallett III of Concord, California, in my congressional district, and his family. Captain Hallett was killed in action in southern Afghanistan on August 25, 2009. I was honored to have provided him a congressional nomination to the West Point Academy.

This week, all of us should honor the tremendous sacrifices our men and women in uniform made for their country in Afghanistan. And our objective in Afghanistan has been achieved—Osama bin Laden has been killed, and few al Qaeda members remain in the country. Yet, unfortunately, our troops

in Afghanistan are now bogged down in an unending and deadly war with the Taliban and defending the corrupt Afghan Government. To this day, the government in Kabul, led by President Karzai, has not been able to take charge of its country, even as it has been able to provide enormous favors for the President's cronies and family.

In these difficult times, we cannot afford to spend tens of billions of dollars per month defending a corrupt regime. We cannot afford to continue to provide payments to contractors who turn around and use those payments to pay off the very same Taliban who are killing our troops in Afghanistan. But above all, our soldiers cannot be asked to continue to risk their lives for years and years to come. Instead, it is time to bring all of our troops home and to invest in America instead. By doing so, we can honor the enormous sacrifice that our troops have made, and at the same time ensure that they have a strong and prosperous country to come home to.

HOLDING CHINA TO ACCOUNT

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

Mr. FRANK of Massachusetts. Madam Speaker, I want to quote from a column earlier this week written by Paul Krugman, who does an extraordinarily good job of presenting the case for a change in our economic policies to deal with the unemployment that plagues not just us, but others in the world.

The column is headlined ''Holding China to Account.'' And he begins: ''The dire state of the world economy reflects destructive actions on the part of many players. Still, the fact that so many have behaved badly shouldn't stop us from holding individual bad actors to account.'' And that's what Senate leaders will be doing this week—they did it already, they've begun the process—as they take up legislation that would threaten sanction against China and other currency manipulators.

Respectable opinion is aghast, but respectable opinion has been consistently wrong lately, and the currency issue is no exception.

China has an enormous trade surplus with the United States, and a significant part of that is due to their conscious intervention to undervalue their currency. Now, that comes, to some extent, at the expense of some in China in terms of the cost of living. On the other hand, it provides employment.

There are of course other ways in which China interferes with the free trade to which they supposedly adhered when they were allowed to join the WTO, a move I voted against. They are manipulating the rare-earth situation, restricting exports illegitimately to force companies to come there. We recently had a situation where General Motors was told that they wouldn't be allowed to sell their electric car in China unless they gave up their technology—again, a blatant violation.

So we should be more aggressive in general. But particularly on the currency issue, the manipulation by the Chinese is quite clear. As Mr. Krugman points out: ''To get our trade deficit down, we need to make American products more competitive, which in practice means that we need the dollar's value to fall in terms of other currencies . . . but sensible policymakers have long known that sometimes a weaker currency means a stronger economy, and have acted on that knowledge.

''The United States can't and shouldn't be equally aggressive to Switzerland. But given our economy's desperate need for more jobs, a weaker dollar is very much in our national interest—and we can and should take action against countries that are keeping their currencies undervalued, and thereby standing in the way of a much needed decline in our trade deficit. That, above all, means China.''

Now, I am very pleased to say, as Mr. Krugman notes, that the Senate is moving ahead on this, and a bipartisan majority in the Senate is voting for this bill. I was disappointed to see the Republican leadership in this body announce that they won't take the bill up. It is extraordinary to me that the Republican leadership of this body apparently plans to go to the defense of the Chinese economy by not allowing a bill that got bipartisan support in the Senate to allow us to respond to Chinese unfair manipulation of their currency.

Now, there is one argument against it, which is, well, we'd better be careful, we might make them angry. They might retaliate. How do they retaliate beyond what they're doing? The Chinese are in violation in area after area of the very free-trade rules to which they said they were there.

There is this view that goes around in this country that almost everybody in the world is doing us a favor by letting us be nice to them. The notion that we somehow will anger China ignores the way the Chinese are now behaving, and it ignores the economics. China has much more to lose in a dispute with the United States economically than we do. They have this enormous trade surplus with us. They buy American debt, it is true, not as a favor to us, but because that's the safest place to put their debt. If they had a better place to put it, they would put it somewhere else. This is no favor to us.

I am for an American role of cooperation with the world. I wish we would do more to alleviate hunger, to fight illness in poor countries. I am very much in favor of our continuing to work with the multilateral organizations, but this notion that we should not stand up for our own legitimate economic interests against a nation like China—which is so abusive of the process—because they might get mad at us is simply a total misreading of the situation.

So I ask that Mr. Krugman's column, documenting the case for the Senate legislation that directs our administration to take action against Chinese currency manipulation, be put in the RECORD.

And I want America to be cooperative with the rest of the world. I want us to share our wealth in ways that will help people who are desperately poor. But this notion—and it really comes down to this—that we have somehow taken on this geopolitical role, where we are the guarantors of stability everywhere in the world and therefore we should not be too aggressive in our own interests because we might—we should not ever be putting the legitimate economic needs of our citizens above geopolitical interests, that is wrong; and Mr. Krugman documents it.

[From the New York Times, Oct. 2, 2011]

HOLDING CHINA TO ACCOUNT

(By Paul Krugman)

The dire state of the world economy reflects destructive actions on the part of many players. Still, the fact that so many have behaved badly shouldn't stop us from holding individual bad actors to account.

And that's what Senate leaders will be doing this week, as they take up legislation that would threaten sanctions against China and other currency manipulators.

Respectable opinion is aghast. But respectable opinion has been consistently wrong lately, and the currency issue is no exception.

Ask yourself: Why is it so hard to restore full employment? It's true that the housing bubble has popped, and consumers are saving more than they did a few years ago. But once upon a time America was able to achieve full employment without a housing bubble and with savings rates even higher than we have now. What changed?

The answer is that we used to run much smaller trade deficits. A return to economic health would look much more achievable if we weren't spending $500 billion more each year on imported goods and services than foreigners spent on our exports.

To get our trade deficit down, however, we need to make American products more competitive, which in practice means that we need the dollar's value to fall in terms of other currencies. Yes, some people will shriek about ''debasing'' the dollar. But sensible policy makers have long known that sometimes a weaker currency means a stronger economy, and have acted on that knowledge. Switzerland, for example, has intervened massively to keep the franc from getting too strong against the euro. Israel has intervened even more forcefully to weaken the shekel.

The United States, given its special global role, can't and shouldn't be equally aggressive. But given our economy's desperate need for more jobs, a weaker dollar is very much in our national interest—and we can and should take action against countries that are keeping their currencies undervalued, and thereby standing in the way of a much-needed decline in our trade deficit.

That, above all, means China. And none of the arguments against holding China accountable can stand serious scrutiny.

Some observers question whether we really know that China's currency is undervalued. But they're kidding, right? The flip side of

the manipulation that keeps China's currency undervalued is the accumulation of dollar reserves—and those reserves now amount to a cool $3.2 trillion.

Others warn of bad consequences if the Chinese stop buying United States bonds. But our problem right now is precisely that too many people want to park their money in American debt instead of buying goods and services—which is why the interest rate on long-term U.S. bonds is only 2 percent.

Yet another objection is the claim that Chinese products don't really compete with U.S.-produced goods. The rebuttal is fairly technical; let me just say that those making this argument both overstate the case and fail to take the indirect effects of Chinese currency policy into account.

In the last few days a new objection to action on the China issue has surfaced: right-wing pressure groups, notably the influential Club for Growth, oppose tariffs on Chinese goods because, you guessed it, they're a form of taxation—and we must never, ever raise taxes under any circumstances. All I can say is that Democrats should welcome this demonstration that antitax fanaticism has reached the point where it trumps standing up for our national interests.

To be fair, there are some arguments against action on China that would carry some weight if the times were different. One is the undoubted fact that inflation in China, which is raising labor costs in particular, is gradually eliminating that nation's currency undervaluation. The operative word, however, is ''gradually'': something that brings the United States trade deficit down over four or five years isn't good enough when unemployment is at disastrous levels right now.

And the reality of the unemployment disaster is also my answer to those who warn that getting tough with China might unleash a trade war or damage world commercial diplomacy. Those are real risks, although I think they're exaggerated. But they need to be set against the fact—not the mere possibility—that high unemployment is inflicting tremendous cumulative damage as we speak.

Ben Bernanke, the chairman of the Federal Reserve, said it clearly last week: unemployment is a ''national crisis,'' with so many workers now among the long-term unemployed that the economy is at risk of suffering long-run as well as short-run damage.

And we can't afford to neglect any important means of alleviating that national crisis. Holding China accountable won't solve our economic problems on its own, but it can contribute to a solution—and it's an action that's long overdue.

WE CAN ALL AGREE ON THE NEED FOR JOBS

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

Mr. WOODALL. Madam Speaker, as you know, when folks turn on C–SPAN, it's not hard to find those things that divide us here on the House floor. We can talk to anybody that we see walking around the Capitol today, and they could talk about those issues that divide us as a Nation. But I'm a firm believer that there is actually more that unites us as a Nation than divides us. And I know one of the things that unites this House in this time in our Nation's history, more than in others, is that desire to create jobs for American families.

We all have those families in our districts that are struggling with foreclosure right now, Madam Speaker. We all have those families in our districts that are struggling with layoffs. And we have those families in our districts that are the small business owners that actually drive this economy.

□ 1100

That's another area of agreement we have, Madam Speaker. Folks know it's not the big businesses in America that hire; it's the little businesses in America. It's those entrepreneurs out there. It's those folks who think that they have an idea. It's that husband and wife team who goes out and says, I can do it better, and they hang out their own shingle.

But anybody who's talked to those small business men and women these days, Madam Speaker, knows that folks have a tough time getting access to credit. It seems now in America the only people who can borrow money are folks who don't need any money at all. And that's a challenge. That's a challenge because what makes this economy grow are those folks who say: I can use that money better. I can do something more efficiently. I can add productivity if only you'll take a chance on me.

But the regulators, Madam Speaker, that's what I hear from my bankers: My regulators won't let me lend anymore. That's what I hear from my bankers: The regulators came in, ROB, and told me I can't give any more money out to small businesses.

So where are we? Where are we? What's going to hire our young people, Madam Speaker? What's going to fuel the economy? What's going to pay the Social Security taxes that need to be paid if we can't create those jobs?

Well, I want to talk about something else that unites us as a House, and that's H.R. 1418. It's the Small Business Lending Enhancement Act, Madam Speaker, and it's sponsored by 33 Republicans and 51 Democrats. You don't hear that very often when you watch C–SPAN, Madam Speaker. I know that to be true. But about half Republicans and about half Democrats come together on what is called the Small Business Lending Enhancement Act that says to our credit unions, those small institutions in each of our communities, be a part of job creation.

I ran for Congress, Madam Speaker, on the platform that it's not that the government does too little; it's that the government does too much. There's nothing wrong with the foundation of America. It's the way we've hamstrung America with additional rules and regulations. Our credit unions are in that spot.

For folks who don't know, credit unions today are only allowed to lend about 12¼ percent of their assets to small businesses, to businesses at all, in fact, and they want to do more. Folks can't find the money at banks. They come to their credit unions. They say, Can you help? And Congress has said, No. Congress has said, No.

It's not what we need to do. It's what we need to undo. H.R. 1418 undoes that 12¼ percent cap, Madam Speaker, and raises it to 27½. Hear that. Every credit union in America would be able to participate in funding small businesses, in providing the capital that small businesses need to succeed. You can't succeed without capital. Capital's not available in America today. We need to find ways to do that.

Something else you don't hear a lot, Madam Speaker, is where the House and the Senate are coming together on things. These days, more than most, it seems hard to find those things that the House and Senate agree on. But to be clear, this bill has been introduced in the Senate, too. It's S. 509 on the Senate side, and it has 20 cosponsors in the Senate, so that's about one-fifth of the Senate is already on board. Eighty-four Members of the House, that's about 20 percent of the House also on board.

This is something we can do, Madam Speaker. It's something we can do today. It doesn't cost the taxpayer a nickel—doesn't cost the taxpayer a nickel—and frees up capital for our small business men and women.

I want folks, Madam Speaker, to look out over the horizon, as you and I do, and say: What's going to change joblessness in this country? What's going to change it?

We have the lowest level of entrepreneurship in this country that we have seen in 30 years—30 years—and it's entrepreneurs that drive this train. It's not the big guys; it's the little guys.

This bill, Madam Speaker, frees up our money that we have put into our credit unions by removing restrictions that we, as a Congress, have placed on our credit unions to allow them to be a part of job growth.

We don't need another stimulus bill. We don't need to spend more taxpayer money. And by ''taxpayer money,'' I mean, as the gentleman from Massachusetts said earlier, money we're borrowing from China to spend on stimulus programs. We can do it simply by undoing those rules and regulations that we've passed already in this House, Madam Speaker.

H.R. 1418, it doesn't do it overnight; it does it gradually. It requires that the regulators be involved. It says only if you have experience in member lending, only if you're well capitalized, and only if you have a history of doing it well.

Let's pass H.R. 1418, Madam Speaker, and let's move it to the Senate.

TRIBUTE TO MS. FAYE STEVENS-JETT

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

Mr. DAVIS of Illinois. Madam Speaker, I rise to pay tribute to one of my constituents who's spent a great deal of her life bringing joy, happiness, and direction into the lives of others. I

come today to pay tribute to Ms. Faye Stevens-Jett and the Up2Us organization that is in town this week.

Athletics has been and continues to be a road to success and a better life for thousands and thousands of people. For many of them, it has been because they had a coach, a mentor, or a friend with whom they connected and formed lasting friendships and relationships in their athletic endeavors.

One such coach has been Ms. Faye Stevens-Jett, a physical education teacher and athletic director at the Morton School of Excellence in Chicago, Illinois, located in my congressional district. Ms. Stevens-Jett is a single mother of two boys, and yet finds time to be engaged with a large number of other young people through her coaching of double Dutch, cheerleading, and pom-pom teams.

Ms. Stevens-Jett has been selected by Up2Us as a coach of the year. Up2Us is an organization that supports programs that use sports to address critical issues facing youth in America. It also helps to address serious health issues such as obesity and other childhood illnesses and diseases.

Ms. Jett is a member of my congressional district, and I take this opportunity to commend and congratulate her and Up2Us for their outstanding work.

I also urge support to increase physical fitness as a part of our everyday lives. It is up to us.

WHAT DOES THE WAR IN AFGHANISTAN MEAN?

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

Mr. FARR. Madam Speaker, I rise to talk about the war in Afghanistan.

We've been in Afghanistan since 2001. What does that mean? I'll tell you what it means.

It means 3,650 days of violence and suffering. It means 1,695 American lives lost. It means $454 billion added to our deficit. It means that this war has got to end.

It's time to apply the Republican mantra, ''cut, squeeze and trim'' to the Afghanistan war because the cost is simply too high. Also, we can't afford to lose another life in this war. We cannot afford to spend another dollar on it.

And if our spending reflects our priorities, then we're totally missing the point. Americans don't seek war. Fifty-nine percent of likely voters want U.S. troops brought home from Afghanistan.

But I'll tell you what Americans do want. They want jobs. And if we had taken all the money we've spent on the war, we could have created almost 1 million education jobs, 780,000 health care jobs, or 364,000 construction jobs. But we didn't do that.

We have 9.1 percent unemployment nationwide, and parts of my district have over 18 percent unemployment. Almost one in every five persons is unemployed. The unemployment rate among our veterans is at least 2 percent higher than among civilians.

America can do better than this because America is a country about peace and prosperity and opportunity. These ideals don't have a price tag, but they do have a value.

So let's end this war now. Let's restore peace now. And let's show what America really believes, what our real values are: peace and understanding.

CIVILITY IS NEEDED

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

Ms. JACKSON LEE of Texas. Madam Speaker, thank you for your indulgence.

We were in a Judiciary Committee hearing on the importance of protecting this Nation from weapons of mass destruction and then in a hearing on the Homeland Security Committee, on which I serve, in trying to ensure that we secure this homeland and also respect the privacy of our citizens. I believe that is a very important challenge.

□ 1110

I wanted to come to this floor to call for civility and understanding. Those are two conflicting terms. But as a member of the Judiciary Committee, having the privilege to oversee the Constitution of the United States, I hold very dear the idea of the Bill of Rights, which allows our citizens the right to the First Amendment, the right to association, and the right to freedom of religion.

But sometimes you have to call upon your right to explain or to express your abhorrence with ugly speech.

So I want to say that over the past couple of days, we have had Herman Cain shouting out about brainwashing of a certain population of people, African Americans, who I guess he suggests that we are not educated persons and as different as any other population of Americans. The greatness of Americans is that we are mosaic, we are diverse. Though I may challenge the philosophy of the Tea Party and have great abhorrence of their views, I would never suggest that those individuals didn't thoughtfully think about who they wanted to associate with. So again to Mr. Cain, get your vocabulary straight and understand that we have a brain as well and make choices on our interests.

Then my good friend Hank Williams, who I guess professes to be one of America's great philosophers, when he was posed a question about the President of the United States and the Speaker of the House attempting civility through what a lot of Americans do, playing golf, he chose to use a, what I think was both an unhelpful and disgraceful comparison. Now, I don't know who he was calling what, but he used the phrase that it would be like the Prime Minister of Israel meeting with Hitler.

And one would have to argue, am I defending the Speaker of the House or the President of the United States? I'm defending the idea that ugly speech should be called out any time it is utilized. Mr. Williams, you might stick to the penning of a new hit that you haven't had for a long period of time, although I'm sure you have many fans, for you to characterize any leader as the dastardly and heinous person that Hitler was, the dastardly and heinous and horrific acts that he perpetrated on people who were innocent. From those who happened to be of the Jewish faith to Polish people to people of many different backgrounds that lost their lives in this disgraceful era that was led by Hitler during the time that Germany was led by the Nazis.

What a disgraceful statement.

So I would ask that we understand that America is a great country because people view us as being tolerant of so many different things.

And I conclude by suggesting that those who are watching those on Wall Street who have gathered now, 700 of them were arrested, college students may be out of their classes at 12 noon, and I say hurray for people who are standing up and asking the question, where is my country going?

I want to take it back. I do believe in saving Medicare, Medicaid, and Social Security, Pell Grants that are on the cutting board. I want a job, and I want banks to be able to give access to credit to small businesses. Of the five that I visited over my time in my district, and more that are coming as I go to many others, I hear over and over again, are we going to respond to the needs of small businesses or are banks going to continue to crush the backs of small businesses by not lending them credit? People have a reason to be upset. But we don't have to use ugly talk.

But don't judge people because they're out in the streets. I disagree with the Tea Party because of the stranglehold that they have on this Congress that doesn't allow us to come together in a civil manner and come together on behalf of the American people. But at the same time I recognize their constitutional rights, recognize the constitutional rights of those that Wall Street and other places have chosen to be arrested because they don't like what is going on in this Nation. They don't like the fact we are in an obstruction form of government, that we would take from those who need us most and we would use them to balance the budget.

I'm going to stand with the people who are out in the streets and say, you are right—and tell Hank Williams to try and write another song that might get him a hit so he doesn't have to talk so much.

RECESS

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

Accordingly (at 11 o'clock and 15 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

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

PRAYER

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

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

Bless the Members of this assembly as they set upon the work of these hours, of these days. Help them to make wise decisions in a good manner and to carry their responsibilities steadily with high hopes for a better future for our great Nation.

You have created Your people to live in an environment of great diversity of race, color, creed, and opinion. These differences enrich our human experience but also demand of us the need to negotiate preferences and opinions toward a common goal.

Please give to the Members of the people's House, in abundance, the wisdom, skill, and patience to see past their differences toward their commonalities in order to forge a strong and secure future for our Nation.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. RIGELL led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

ANNOUNCEMENT BY THE SPEAKER

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

HOUSE REPUBLICANS CONTINUE TO LEAD THE WAY PROMOTING 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, Federal Reserve Chairman Ben Bernanke, a native of Dillon, South Carolina, testified before the Congressional Joint Economic Committee. He sadly stated that economic indicators point toward a ''sluggish job growth'' and that the so-called economic recovery is ''close to faltering.''

Chairman Bernanke went on to say the primary factor affecting consumer confidence was the lack of job growth. He further characterized the country's long-term unemployment rate as a ''national crisis.'' This follows the President's admission Monday that voters are not better off than they were 4 years ago. With failed policies, the President needs to change course.

House Republicans have sent nearly 90 bills to the Senate for consideration, but only 20 have passed the Senate. Much of this legislation dealt directly with limiting spending, terminating failing housing programs, and encouraging job creation.

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

FORD AND THE UAW

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

Mr. HIGGINS. Mr. Speaker, it is with great satisfaction that I report to the House today on the agreement reached between the Ford Motor Company and the United Auto Workers and its positive impact on the Nation and in western New York.

Under the agreement, Ford will increase its workforce at its plant in Hamburg, New York. Not only will they offer to rehire 120 workers who were laid off earlier this year, they will create 400 new jobs and create a $136 million investment in the facility. This is a substantial and generational commitment.

How did this happen? It was the recognition that western New York has a highly skilled and dependable workforce, with a long history of labor and management working together in cooperation. It is also the result of labor and management working diligently to get a deal done. Their goal was business growth and job creation, and they accomplished it without the brinksmanship and manufactured crises that have become far too common in Washington this year.

Perhaps Congress can learn from Ford and the UAW that when two sides sit down at the table and bargain in good faith toward a common good, the end can be more satisfying, resulting in new business investment and job growth.

THE CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

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

Mr. YOUNG of Indiana. Mr. Speaker, yesterday, I had the opportunity to meet with Hilltop Resources, a concrete company that has a presence in my southern Indiana district. They were here to talk about how the new Cement MACT regulations would affect their business and their workforce.

Their cost of production would go up 7 to 10 percent—a huge hit for any business. They would have to import more of their raw materials from places like China—materials that are of a lesser quality. And those increased costs would require them to scale back their American workforce at a time when we need them to expand.

We cannot keep letting the EPA impose these burdensome and job-crushing regulations without any concern for how they affect our constituents. When we take up H.R. 2681 later today, we have the chance to help an industry that has already been hit hard by the recession. I urge my colleagues to support this measure.

UP2US ANNUAL COACH OF THE YEAR

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

Mr. MCINTYRE. Mr. Speaker, I rise today to recognize Up2Us, a leading youth sports development organization working to address childhood obesity and promote improved academic performance and constructive activities for youth. Up2Us supports a national network of nearly 500 member organizations operating in all 50 States, serving 25 million youth through both traditional and nontraditional sports programs.

Sharing best practices, advancing initiatives that extend opportunities to new players, and delivering quality programs in underserved communities, these are but some of the ways where a tremendous need for constructive outlets for our youth are occurring through this organization.

Also, the men and women serving as AmeriCorps members with the Up2Us Coach Across America program are helping young people with a passion for sports to go to the low-income communities and reach out to children who may not have someone to be their coach or their mentor.

The entire staff of Up2Us and their volunteers are doing a great job. May God continue to bless them in their successful work for years ahead and in demonstrating that we can help our young people in constructive ways with sports and recreation. Indeed, advancing the lives of all of our youth is a team sport.

DEFENDING TRICARE

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

Mr. RIGELL. Mr. Speaker, I have the great privilege, and really the honor, of representing the largest concentration of active duty and retired military members in the country; and it's a true honor to defend those who wear our Nation's uniform and to speak boldly on behalf of our veterans.

Today, I rise to address a recent decision by the Department of Defense regarding TRICARE. The DOD has increased fees for those enrolling in TRICARE Prime after October 1, 2011. Mr. Speaker, this action is nothing less than a breach of trust between this great Nation and its veterans.

Career members of the uniformed services and their families make incredible sacrifices over the course of long careers defending our freedom. They honored their commitment and exceeded what they told us that they would do. They have served with distinction.

We need to honor our commitment to each of them. So I call on the Department of Defense to reverse its decision and to honor its promise to our veterans.

□ 1210

DOMESTIC VIOLENCE AWARENESS MONTH AND CELL PHONE DRIVE

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

Ms. CHU. Every 9 seconds, a woman is assaulted or beaten in the United States. Every day, more than three American women are murdered by their husbands or boyfriends. And a staggering 1.3 million women and almost 840,000 men are physically assaulted by an intimate partner every year.

For the last decade, in October, during Domestic Violence Awareness Month, I stood up with the shelters and hospitals in my district to support the women and men who escaped their abusers. Many of these victims escaped with literally only the clothes on their backs. So together, we put on a donation drive of cell phones, clothing, and personal necessities to benefit victims of abuse. This drive will be going on throughout October, and you can support the effort by donating items at Kaiser offices throughout the 32nd Congressional District in California.

Together, we can and must do more to stop domestic violence.

THE DRAGON IS SNORTING FIRE

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

Mr. POE of Texas. Mr. Speaker, the Chinese dragon is snorting the fire of intimidation against our ally, Taiwan. To defend itself from the Chinese dragon's evil intentions, Taiwan protects itself with rusty swords—outdated F–16s. It also appears that by bullying, the United States has become timid under the Chinese dragon. The Beijing Government doesn't want us to sell new F–16 CDs to Taiwan—so we don't.

Further, the Chinese evil intentions of mischief are not limited to Taiwan. In the South China Sea, the talons of the Beijing dragon have initiated confrontation with Korea, the Philippines, Japan, and Vietnam. China claims sea areas that are in international waters or belong to other nations.

With all these belligerent actions occurring by China, it's not in our national interest to play Chamberlain and appease the Chinese dragon.

Sell the Taiwanese the new swords they need to defend themselves against the fiery dragon. Sell them American F–16 CDs. It is in our national interest to help Taiwan be armed to be the dragon slayer if it needs to be and defend itself against China.

And that's just the way it is.

BENEFITS OF AMERICAN JOBS ACT

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

Mr. SIRES. Mr. Speaker, the American Jobs Act, proposed by President Obama, is a clear path forward to rebuilding America by putting our country back to work, helping small businesses succeed, and providing tax relief for workers.

Specifically, this plan would put teachers, firefighters, police and first responders to work by creating jobs through investments in America's schools and infrastructure. It will also provide tax cuts that put money in the pockets of American workers and employers so they can grow and add jobs, as well as offer job training incentives to hire returning veterans and help the unemployed with pathways back to work.

The most critical element of the Jobs Act is that it requires immediate action to create American jobs and rebuild our economy. In conjunction with our Make It in America agenda, the Jobs Act will provide the long-term tools for rebuilding the American manufacturing base and creating well-paying jobs into the future.

The Jobs Act invests in our future and assists struggling Americans now, all without adding a dime to the deficit.

Mr. Speaker, our number one priority needs to be job creation, and the American Jobs Act is the first step in that effort.

BALANCED BUDGET AMENDMENT

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

Mr. BROUN of Georgia. Mr. Speaker, 16 years ago, Congress failed to pass a balanced budget amendment to the Constitution by a single Senate vote. Back then, our national debt was about $5 trillion. Today, our debt stands at nearly $15 trillion, and our Democrat leadership is showing no signs of slowing down their outrageous spending.

Imagine what the state of the economy could look like if it weren't strapped down by that extra $10 trillion worth of debt. Imagine how much brighter the future of our children and grandchildren could be without the threat of having to repay the money that Washington has wasted. Imagine how mom-and-pop shops could be growing, hiring and expanding if looming tax increases weren't a factor in their business plans.

Enough is enough. Missing another opportunity to balance the budget is not a mistake that we can afford to make twice. That's why I authored my balanced budget amendment, so that we can stop the spending and start paying down our debt.

I urge all of my colleagues to become cosponsors of my amendment, which is the most conservative and effective approach to balancing the budget.

AMERICAN JOBS ACT

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

Mr. BACA. Mr. Speaker, in my congressional district, the unemployment rate is 17 percent; and in San Bernardino County, it's well above 14 percent.

My constituents need a bold plan of action, not more gridlock in Washington, D.C. They want us to come together and take action. The American Jobs Act provides a clear path forward to put our country back to work.

This bill contains bipartisan ideas that will put teachers, firefighters, first responders, and cops back to work right now, provide tax cuts that put money in the pockets of working Americans right now, give businesses job-creating tax breaks right now, and provide a boost to our economy right now. And this bill is fully paid for, not adding a dime to our deficit.

The Republican Party has supported these ideas in the past. It's time to put

politics aside. Let's come to the table and work together. The American people cannot afford to wait any longer. Let's act now. Pass this bipartisan jobs bill.

TWO SIMPLE TASKS FOR THE DO-NOTHING SENATE

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

Mr. HULTGREN. Mr. Speaker, if our colleagues at the opposite end of this Capitol, the Senate, are serious about getting our economy moving and America back to work, I urge them to do two things immediately. To start with, for the first time in 888 days, they should do what every American family and business does and set a budget; 888 days—almost 30 months—without a budget is not just an abdication of responsibility. It is a fundamental failure to govern.

Second, they should immediately take up a bill we sent with overwhelming bipartisan support, the Reducing Regulatory Burdens Act. We passed it in March; they've done nothing. If we don't act on it by the end of this month, our agriculture sector will be deluged with a new avalanche of needless red tape.

I hope that this do-nothing Senate will move on both of these issues immediately in order to help both the American people and the American economy.

MODERNIZING THE AMERICAN LEGION

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

Mr. ALTMIRE. Mr. Speaker, I rise in support of the brave men and women who have served our Nation and are today members of the American Legion, a congressionally chartered organization. That charter is in need of modernization. So the American Legion, at their national convention, adopted a resolution asking Congress to amend the charter to clarify that the Legion members may pay their annual dues and renewals using modern technology, such as over the Internet by credit card.

For this reason, I have joined my good friend from Florida, Congressman ROONEY, in introducing a bill to support the Legion's recommendation.

Our bill, H.R. 2369, enjoys widespread support, as evidenced by the 350 of our colleagues who have cosponsored this legislation. Hopefully, this bill will soon move through the legislative process in order to modernize the Legion's charter and make this small, but significant, change to make life a little more convenient for members of the American Legion.

1-YEAR ANNIVERSARY OF THE DEATH OF DAVID HARTLEY

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

Mr. GARDNER. Mr. Speaker, 1 year ago last Friday marks the tragic day that David Hartley was killed on Falcon Lake, which straddles the U.S./Mexico border. My staff and I have spoken with David's wife, Tiffany, on a number of occasions and pray that she, along with help from Congress, can find the answers we are all seeking regarding David's death.

David's death is a horrible tragedy and underscores the need to restore safety and security to our borders. Our role in Congress is to ensure that Americans are not in danger when they visit the border. That means we need to act. We need to put in place real and effective measures that keep the Mexican drug cartels, pirates, and other unlawful activity away from the United States. The drug trade contributes to the all-too-frequent stories we hear about crime, kidnapping, and murder that occur along our southern border. The time is now to put pressure on the Government of Mexico to bring their own criminals to justice.

My heart goes out to Tiffany, along with the Hartley family, during this time. I will continue to work hard for answers, and I will continue to fight for border security so that atrocities like this simply stop occurring.

IN SUPPORT OF AMERICAN JOBS ACT

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

Mrs. CAPPS. Mr. Speaker, I rise in strong support of the American Jobs Act, which addresses two critical issues facing America today: the need for immediate investments in our Nation's infrastructure that will put Americans back to work, and the need to upgrade our schools to meet the requirements demanded by a 21st-century education.

Mr. Speaker, last week, I visited Adams Elementary School in Santa Barbara, California. This school is well over 45 years old and is in desperate need of more classroom space, a new library, and technology upgrades. Like other school districts around the country, Santa Barbara has been forced to cut budgets and lay off teachers, and struggles to pay for school upgrades which would promote a better-educated workforce. The American Jobs Act would help fix this problem by providing school districts with the resources they need to make the needed school improvements. This act would create good, well-paying jobs now and strengthen our future economy as well.

The American Jobs Act is about jobs, but it's also about our children's education. It's about our Nation's future. We should pass the American Jobs Act, Mr. Speaker; and we should pass it now.

□ 1220

AMERICANS SAY MEDIA ARE BIASED AND TOO LIBERAL

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

Mr. SMITH of Texas. Mr. Speaker, Americans say the national media are biased, untrustworthy, and too liberal, according to separate polls released recently by Gallup and the Pew Research Center. Gallup found that only 1 in 10 Americans now have a great deal of trust in the national media. A majority say the media are biased. And by a margin of more than 3–1, Americans think the media are too liberal rather than too conservative.

Pew found that 1 in 4 Americans think that news organizations, in general, get the facts straight. That's a 14 percent decrease from 4 years ago. And almost 8 in 10 Americans say news organizations favor one side over the other.

Mr. Speaker, if the media want to restore the public's trust, they should give Americans the facts, not tell them what to think.

KEEP AMERICA'S WATERFRONTS WORKING ACT

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

Ms. PINGREE of Maine. Mr. Speaker, of Maine's 3,300 miles of coastline, less than 20 miles support commercial fishing and other traditional marine activities. But this small portion of the coastline contributes $800 million to Maine's economy and provides jobs for over 30,000 people. As the coastline continues to give way to condos, hotels, and other non-compatible uses, these jobs are disappearing.

This problem is not unique to Maine. It occurs on all our coasts and waterways around the country and throughout the Great Lakes region. Working waterfront jobs are disappearing as a result of tremendous pressures communities face from incompatible development.

That's why today I'm introducing the Keep America's Waterfronts Working Act, along with my colleagues from around the country. With a grants program devoted to preserving working waterfronts across the Nation, States will be able to help preserve jobs and communities that depend on them.

HEALTH CARE PETITIONS

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

Mr. PITTS. Mr. Speaker, this morning here on Capitol Hill I stood with

other Members of Congress to receive more than 1.6 million signatures on petitions calling for the immediate repeal of last year's huge health care law.

We've now had 18 months to find out what's in the bill, and it only looks worse every day. We found the billions of dollars in slush funds that the Secretary of Health and Human Services controls, without any input from Congress. We found a CLASS Act, a long-term care insurance care plan that is so broken that HHS had to stop planning for its implementation. We've seen health care premiums climb faster, despite promises that the law would save every American family $2,500 per year. We've seen Federal courts reject as unconstitutional the notion that the government can force you to buy insurance.

I'd need much more than 1 minute to catalog all the ways this bill is hurting job growth and destroying health care innovation. Simply put, this is a rolling train wreck, and the American people know it. We need to listen to them and repeal this destructive and unconstitutional bill.

THE HOUSING CRISIS

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

Mrs. DAVIS of California. Mr. Speaker, my staff have spent countless hours fighting off wrongful foreclosures. A number of my constituents have submitted the same paperwork to banks five different times and had their short sales denied three times. Other constituents were given 24 hours to return a package of 60 documents to a bank that has had those documents for 6 months already.

Mr. Speaker, this is just not acceptable. An important step to fixing this economy is to solve this housing crisis. People cannot spend if they are living under the crushing weight of a mortgage payment worth more than their home.

Three years ago the average consumer spent $100 a day. Now the average consumer spends about $68 a day. We need programs to help the 14 million people whose homes are underwater.

I ask the majority, what have you done today to help the middle class afford to keep a roof over their heads?

BRING THE AMERICAN JOBS ACT TO THE FLOOR

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

Ms. CASTOR of Florida. Mr. Speaker, I rise to urge the House GOP leadership to bring the American Jobs Act to the floor.

One of the primary reasons we've got to work together on a jobs strategy is to modernize and repair schools all across the country. This will create thousands and thousands of jobs. Small business contractors, electricians, and others can repair our schools.

Back home in Florida, the school districts are having to delay maintenance. Teachers are being laid off, and schools are unable to invest in the modern science labs that will help prepare our kids for the jobs of the new century.

Yesterday, Vice President BIDEN visited Oakstead Elementary, north of Tampa, which is an A school. It opened 5 years ago, was built for 700 students, but they have over 1,000 students at Oakstead. And even with the overcrowding, the school district has had to release eight teachers. That is not smart.

''To keep this a grade-A school, we're going to have to keep teachers in the classroom,'' the Vice President said.

Mr. Speaker, I urge my GOP colleagues not to block the American Jobs Act. Our small business owners and contractors are ready to modernize schools, and parents like me want dedicated teachers in the classroom.

LISTEN TO THE AMERICAN PEOPLE

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, last week I had the pleasure of visiting small businesses that created jobs, anyone from doctors who worked 7 days in their office to companies who could sell anything to anybody to a beauty school that had people who were trying to be independent contractors; they created jobs. And I'm going to talk about them in the weeks to come.

So I'm begging, I'm begging this bipartisan House to put the American Jobs Act on the floor. That's because the GOP, of course, for 39 weeks has put one bill after another. One put off or destroyed 700,000 jobs. That was the spending bill. Another, about the Patient Bill of Rights, destroyed 300,000 jobs.

But 65 percent of Americans say we want jobs. They're at First and Independence right now. They're down at Wall Street. They're on Main Street. They're telling us, we want jobs. We want our teachers back, our firefighters back, we want our police back. We want to rebuild our schools. We need payroll tax relief so our small businesses can hire someone else. We want J-O-B-S. it's a simple point.

Put the American Jobs Act on the floor. Listen to the American people, the people in Wall Street that are arrested, 700 of them are crying out in pain. Let's respond to the American people. That is our job.

PASS THE AMERICAN JOBS ACT

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

Mr. PALLONE. Mr. Speaker, last week I was in Red Bank, New Jersey, in my district, outside the Broadway Diner, talking to the mayor of Red Bank and several small business leaders about the American Jobs Act.

I want to urge that this House and the Republican leadership take up the American Jobs Act as soon as possible. The bill includes an array of tax cuts for small businesses that hire new workers or give raises to existing workers. It also includes a payroll tax cut that puts money into the pockets of the American workers.

The Jobs Act will help small businesses do what they do best: create jobs, drive innovation, and provide economic security for the middle class. And the payroll tax cuts would save a small business with 50 workers approximately $50,000 a year. On the employee side, each American family would take home an additional $1,500 annually.

Mr. Speaker, when I talked to my small businesses in Red Bank about the American Jobs Act, they thought it was a great idea. They thought they would be able to take advantage of it.

We also worked with the SBA to look at possible loans that they were interested in to expand their businesses. This is what we need to do. Pass the American Jobs Act, Mr. Speaker.

□ 1230

SUPPORT THE AMERICAN JOBS ACT

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

Mr. FATTAH. Mr. Speaker, I recently visited a Boeing facility in Philadelphia where 2 years ago only 4,000 people were working. Today there are 6,000. They have three shifts working each day. They have a weekend shift on Saturdays and Sundays. They are working hard and playing a vital role in our national defense.

I wanted to rise today to compliment the Obama administration for giving Boeing the largest contract in the history of our country with the tanker procurement program, well over $34 billion, which takes American ingenuity and manufacturing jobs to a new height here in America, and I want to thank the administration for their hard work on this. This has been delayed for a long period of time, and having seen these Boeing workers work so very hard and well, it just reminds me of how many other Americans want to go to work.

I hope that we have a chance to support the American Jobs Act, that we bring it up and vote on it favorably so we can put many more of our fellow citizens to work.

RECOGNIZING REVEREND FRED LEE SHUTTLESWORTH ON HIS PASSING

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

Ms. SEWELL. Today I rise to express my condolences and heartfelt wishes for the family of Reverend Fred Shuttlesworth, who passed this morning.

Reverend Fred Shuttlesworth was an icon of the civil rights movement. I know that in Birmingham, Alabama, we hold him in high esteem, and today I just wanted to make sure that my colleagues knew that Reverend Shuttlesworth passed this morning.

I know in the days and weeks to come we will celebrate his life and memorialize him in proper form, but today I rise just to acknowledge his wonderful work and to make sure that his family knew that we as Americans truly appreciate their sacrifice and his wonderful accomplishments to making this country as great as it can be, and making sure that this country upholds its ideals of equality and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). 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.

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

RETURNING RECLAIMED BROADBAND STIMULUS FUNDS TO U.S. TREASURY

Mr. WALDEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1343) to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1343

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

SECTION 1. ACCOUNTABILITY FOR BROADBAND STIMULUS FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information shall take prompt and appropriate action to terminate for cause any award made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, if the Administrator or Assistant Secretary determines that cause exists to terminate the award. Such cause may include an insufficient level of performance, wasteful spending, or fraudulent spending.

(b) DEOBLIGATION AND RETURN OF FUNDS TO TREASURY.—

(1) DEOBLIGATION.—Upon terminating an award under subsection (a), the Administrator or the Assistant Secretary shall immediately deobligate an amount equivalent to such award, less allowable costs, to the extent funds with respect to such award are available in the account relating to the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively. If the Administrator or the Assistant Secretary subsequently recovers any additional amounts from such award, the Administrator or the Assistant Secretary shall deobligate such additional amounts immediately upon receipt.

(2) RETURN TO TREASURY.—Not later than 30 days after deobligating an amount under paragraph (1), the Administrator or the Assistant Secretary shall, without exception, return such amount to the general fund of the Treasury of the United States.

(3) NO EXPENDITURES DURING TERMINATION PROCESS.—The Administrator or the Assistant Secretary shall promptly pursue available corrective measures to ensure that funds received through an award terminated under subsection (a) are not expended during the termination process.

(4) ACCOUNTING BY AWARD RECIPIENT.—The Administrator or the Assistant Secretary shall direct the recipient of an award terminated under subsection (a) to provide to the Administrator or the Assistant Secretary a complete and accurate accounting, which may include an independent accounting, for any award funds that, as of the date of termination, the recipient has received but has not expended on allowable costs.

SEC. 2. DISPOSITION OF UNUSED FUNDS.

The Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information shall return to the general fund of the Treasury of the United States an amount equivalent to any award, less allowable costs, made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, if such award has been returned to the Administrator or Assistant Secretary or disclaimed by the award recipient at any time after the date of enactment of such Act.

SEC. 3. OVERSIGHT AND REPORTING REQUIREMENTS.

(a) ACTION ON INFORMATION FROM OIG OR GAO.—If the Administrator of the Rural Utilities Service or the Assistant Secretary of Commerce for Communications and Information receives information from an official described in subsection (b) with respect to an award made under the Broadband Initiatives Program or the Broadband Technology Opportunities Program, respectively, established pursuant to the American Recovery and Reinvestment Act of 2009, and such information pertains to material noncompliance with the award terms or provisions or improper usage of award funds, the Administrator or the Assistant Secretary shall—

(1) immediately review such information; and

(2) not later than 30 days after receiving such information, determine whether cause exists to terminate such award under section 1(a), unless the official who provided such information recommends that the Administrator or the Assistant Secretary limit or not make such a determination.

(b) OFFICIALS DESCRIBED.—The officials described in this subsection are the following:

(1) With respect to the Broadband Initiatives Program, the Inspector General of the Department of Agriculture.

(2) With respect to the Broadband Technology Opportunities Program, the Inspector General of the Department of Commerce.

(3) The Comptroller General of the United States.

(c) CONGRESSIONAL NOTIFICATION.—

(1) IN GENERAL.—Not later than 3 days after making a determination described in subsection (a)(2), the Administrator or the Assistant Secretary shall provide a notification of such determination to—

(A) the Committee on Agriculture of the House of Representatives and the Committee on Agriculture of the Senate or the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, respectively; and

(B) the official who provided the information described in subsection (a).

(2) CONTENTS OF NOTIFICATION.—The notification required by paragraph (1) shall include an explanation of—

(A) the determination described in subsection (a)(2); and

(B) any action taken as a result of the determination or why no action was necessary.

(3) CONFIDENTIAL NOTIFICATION UNDER CERTAIN CIRCUMSTANCES.—In the case of a determination by the Administrator or the Assistant Secretary under subsection (a)(2) that cause does not exist to terminate the award, the Administrator or the Assistant Secretary may make the congressional notification required by paragraph (1)(A) on a confidential basis, if the Administrator or the Assistant Secretary determines, after consultation with the official who provided the information described in subsection (a), that—

(A) there is no merit to such information; and

(B) notification on a public basis would cause irreparable harm to any person the information is regarding.

SEC. 4. CONFORMING AMENDMENTS.

Section 6001(i)(4) of the American Recovery and Reinvestment Act of 2009 (47 U.S.C. 1305(i)(4)) is amended—

(1) by striking ''may'' and inserting ''shall''; and

(2) by striking '', and award these funds competitively to new or existing applicants consistent with this section''.

SEC. 5. AWARD DEFINED.

In this Act, the term ''award'' includes grants and loans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. WALDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

First of all, I want to thank my colleague from New Hampshire, CHARLIE BASS, who has really worked hard on this issue to bring about greater accountability and oversight of how American taxpayer dollars are being allocated under the American Recovery and Reinvestment Act, especially to make sure that when the money comes back that it's really clear with these agencies that it goes back to pay down the deficit and doesn't end up in some sort of slush fund, and my colleague Mr. BASS has played a real leadership role in both crafting this legislation and making sure it comes to the House at this time.

Mr. Speaker, the American Recovery and Reinvestment Act allocated approximately $7 billion in taxpayer

money to two broadband-related grant and loan programs. One was administered by the National Telecommunications and Information Administration and the other by the Rural Utility Service. The wisdom of creating these programs and whether the money should have been better targeted to unserved households has been the subject of ongoing debate. There is, however, general consensus on the importance of oversight, as evidenced by the bill, H.R. 1343, unanimously passed out of subcommittee and the full Energy and Commerce Committee by voice vote. I, for one, want to make sure these programs do not produce some sort of Solyndra problem. I want to thank our ranking members, WAXMAN and ESHOO, and their staffs for working with us on this bill. We incorporated a number of their suggestions, and the bill is better because of it.

Because the NTIA and RUS have already awarded all $7 billion, the bill does not automatically revoke any money. To do so would not only be unfair to the grant and loan recipients that are abiding by their award terms, it would also likely cost the government more in legal fees than it would save.

The vast majority of the money is yet to be spent by the awardees, however. So, what H.R. 1343 does is clarify the responsibility of the NTIA and the RUS going forward to terminate failed or failing grants and loans and to return to the U.S. Treasury any rescinded or relinquished funds. The bill also improves oversight of the broadband programs. Among other things, the bill requires the NTIA and the RUS either to terminate an award within 30 days of receiving information from their respective Inspectors General or the Comptroller General regarding material in noncompliance with award terms, or to explain to Congress why they don't. It would require the NTIA and RUS to deobligate and return to the Treasury funds from terminated awards as well as return unused funds from any relinquished awards. Finally, it would require award recipients to provide an accounting of funds received but not yet expended, if the NTIA or RUS terminate those awards.

The number of NTIA and RUS awards that have already been returned, and the fact that more than 90 percent of the money the ARRA allocated for broadband still remains obligated but unspent, makes this legislation all the more important. Of 233 NTIA awards worth approximately $3.94 billion, recipients had only spent $480 million through June of this year, despite claims that the stimulus act generally would focus on ''shovel ready'' projects. Clearly, that hasn't happened here. Four of the 233 awards worth approximately $40 million have already been rescinded or returned. The RUS has issued 320 awards, consisting of $2.3 billion in grants and $87 million leveraged for $1.2 billion in loans. Yet recipients had only spent $250 million by the middle of July, and 28 of the 320 awards, worth $123 million in grants and $35 million in loans, had already been returned or rescinded.

Some of my colleagues, as they did in committee, may say that the legislation is really unnecessary. I would disagree. The Department of Commerce Inspector General, the Department of Agriculture Inspector General, and the Government Accountability Office have all flagged concerns with the programs and identified them as high risk, including in testimony at the Communications and Technology Subcommittee's February 10, 2011, hearing.

A number of statutory shortcomings further demonstrate the need for this legislation. For example, existing law leaves the NTIA and the RUS too much discretion in deciding whether to deobligate and return funds from failed or failing awards. Section 6001(i)(4) of the stimulus law establishing the NTIA program stipulates only that the Assistant Secretary ''may'' deobligate awards in cases of waste, fraud, or insufficient performance. The statutory language provides even less guidance to the RUS, remaining silent on the issue of deobligation and return of funds. Commerce Assistant Secretary Strickling agreed in an April 2011 hearing that the bill would create more certainty. That was our effort.

While Dodd-Frank added rescission provisions to the ARRA, it is unclear whether the terms ''withdraw'' and ''recapture'' in Dodd-Frank have the same meaning as ''deobligate'' in section 6001 of the ARRA, leaving unclear how the Dodd-Frank provisions would be interpreted and applied to the broadband grants.

When Congress uses billions of dollars to subsidize broadband in competition with the private sector, especially when 95 percent of the country already has access, it bears all the more responsibility to police those dollars. For this and all the reasons that I have mentioned, I thank the gentleman from New Hampshire for his leadership on this issue, and I urge my colleagues to vote for the bill.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, September 30, 2011.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for the opportunity to review the text of H.R. 1343, to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States, for provisions of the bill that fall within the jurisdiction of this Committee.

Knowing of your interest in expediting this legislation and in maintaining the continued consultation between our Committees on these matters, I agree to discharge H.R. 1343 from further consideration by the Committee on Agriculture. I do so with the understanding that by discharging the bill, the Committee on Agriculture does not waive any future jurisdictional claim over this or similar matters. In addition, in the event a conference with the Senate is requested on this matter, the Committee on Agriculture reserves the right to seek appointment of conferees, if it should become necessary.

I ask that you insert a copy of our exchange of letters into the Congressional Record during consideration of this measure on the House floor.

Thank you for your courtesy in this matter and I look forward to continued cooperation between our respective committees.

Sincerely,

FRANK D. LUCAS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, September 30, 2011.

Hon. FRANK D. LUCAS,
Chairman, Committee on Agriculture, Washington, DC.

DEAR CHAIRMAN LUCAS: Thank you for your letter regarding H.R. 1343, to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States. As you noted, there are provisions of the bill that fall within the rule X jurisdiction of the Committee on Agriculture.

I appreciate your willingness to forgo action on H.R. 1343. I agree that your decision should not prejudice the Committee on Agriculture with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I will include a copy of your letter and this response in the Congressional Record during consideration of H.R. 1343 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

□ 1240

Mrs. CAPPS. I yield myself such time as I may consume.

Mr. Speaker, I rise today also in support of H.R. 1343. This legislation directs the Department of Commerce's National Telecommunications and Information Administration and the Agriculture Department's Rural Utility Service to do what they are already, to a great degree, doing—returning deobligated broadband Recovery Act funds to the U.S. Treasury.

As Mr. WALDEN just said, H.R. 1343 was reported by the Energy and Commerce Committee with broad bipartisan support, and we should always take every step possible to improve oversight and ensure that U.S. tax dollars are spent wisely. So that is a good reason to support this bill, but I think it's also important today not to lose sight of the fact that the Recovery Act has been a true success for broadband deployment.

The $7 billion in allocated broadband spending is bringing real economic, educational, and civic benefits to communities throughout the country. It's bridging the middle-mile gap, bringing high-speed Internet to small businesses and rural entrepreneurs. For businesses to grow, they need to expand their markets and enhance their realtime capabilities.

Broadband enables these successes. Broadband also connects patients with health care specialists thousands of miles away, and it enables doctors to monitor the vital signs of a heart patient while the patient sits at home.

Importantly, broadband brings the world's reference materials to the fingertips of our students in classrooms in big urban cities and in rural communities alike.

Simply put, broadband is no longer a luxury; it is a real necessity. That's why so many of my colleagues advocated for broadband applicants in our congressional districts. From coast to coast, Mr. Speaker, our colleagues joined us in understanding the necessity of broadband deployment, and there were tremendous success stories.

In my home State of California, for example, the Digital 395 Broadband Project is deploying broadband in rural communities up and down the eastern edge of the State. We're seeing community colleges expand their learning centers to provide outreach, training, and learning support services to increase the digital literacy skills of low-income residents. They are learning the critical skills needed to be full participants in our digital economy.

Across the country, the large-scale public-private Internet2 project is working to connect 121,000 community anchor institutions to a dedicated national fiber backbone. Colleges, universities, libraries, major veterans and other health care facilities, as well as public safety entities, are all benefiting from this Recovery Act broadband project.

As I said earlier, we must make sure that taxpayer dollars are always spent wisely; and that's why, to counter waste, fraud and abuse, the Recovery Act built oversight directly into the structure of the law. The two agencies overseeing the broadband programs, the Department of Commerce and the Department of Agriculture, were provided $16 million and $22.5 million respectively to oversee audit programs, grants, and activities funded by the Recovery Act.

To further enhance oversight, the Pay It Back Act was passed as part of the Dodd-Frank Wall Street reform. It makes clear, in no uncertain terms, that all returned or deobligated funds must be promptly transferred back to the Treasury. In fact, the Energy and Commerce Committee heard testimony from Assistant Secretary Strickling and Administrator Adelstein that they were already promptly returning deobligated funds to the Treasury, and they saw no ambiguity in current law that would prevent them from continuing to return deobligated funds. Current law is clear: deobligated funds must be returned to the Treasury.

So while I do support the bill before us, I must be honest and say that I think it is a little redundant. Oversight was built into the Recovery Act, into the broadband programs, and was reaffirmed with Dodd-Frank. This bill simply reiterates what the NTIA and the RUS are already doing—vigorously overseeing broadband projects and returning all deobligated funds to the Treasury.

While this bill is not necessarily needed, I do not oppose it, and I encourage my colleagues to join me in supporting this bill.

I reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I now yield such time as he may consume to the author of the legislation, a very valuable member of our Subcommittee on Communications and Technology, the gentleman from New Hampshire (Mr. BASS).

Mr. BASS of New Hampshire. I want to thank my friend and colleague from Oregon for yielding me time. I also want to thank my friend from California for supporting this legislation and for speaking in support of it.

Mr. Speaker, as the representative of a rural district, I understand the challenges of increasing access to broadband Internet service. We have many, many communities that suffer economically, as well as culturally, due to the lack of access to broadband; and any effort that's undertaken to improve that access is a good effort. At the same time, however, Congress must act to protect the taxpayer and provide oversight for the nearly $7.2 billion in funds appropriated by the 2009 American Recovery and Reinvestment Act.

I would only note that a significant percentage of the obligated funds are being expended by recipients who have little or no experience in the business of designing and building broadband Internet and that that, in and of itself, justifies the passage of this legislation, which would provide much needed oversight for the broadband stimulus funds and would ensure that the law is definitive and would be quick to reclaim funds if there is reason to terminate an award for reasons of waste, fraud, or insufficient performance. As my friend from Oregon and my friend from California mentioned, it does not revoke any award that has already been granted.

The GAO and Inspectors General have testified that the size and complexity of the programs and the short turnaround time provided to the NTIA and RUS to award the money has created substantial risk in these programs. Thus far, nearly 30 awards for grants and loans worth about $200 million have been returned to the Treasury. Many have returned the awards because they've recognized that they won't be successful. In those cases, we want to ensure that taxpayer exposure is minimized, and we want to prevent throwing good money after bad for projects that should be terminated for waste, fraud, or insufficient performance.

During committee hearings, the administrators testified that the decision to deobligate funds for awards that give rise to reason to terminate is discretionary, according to the Recovery Act language. I emphasize ''discretionary.'' The Inspectors General said the stimulus bill does not make clear whether or when the NTIA and the RUS must deobligate funds for troubled projects. This legislation removes that ambiguity and makes clear that such problem awards must be terminated and deobligated.

Moreover, the Inspectors General said current law does not ensure the NTIA and RUS will be responsive to their oversight recommendations. H.R. 1343 will provide important sunlight by requiring the administrators to act on recommendations made by the IG or to respond with their reasons for not acting.

While I wasn't in Congress for the Recovery Act's passage, now that the funds have been awarded, I think it's common sense that Congress should require an accounting of how these funds are being spent and what the American taxpayer is getting for these expenditures.

Mr. Speaker, I urge the Congress to pass this important piece of legislation.

Mrs. CAPPS. I reserve the balance of my time.

Mr. WALDEN. Mr. Speaker, I now yield such time as he may consume to the gentleman from Florida (Mr. STEARNS), who chairs our very important Oversight Subcommittee and who has done extraordinary work in looking into some of these programs, not necessarily on the broadband side here, but certainly on the energy loan side, where there has been a problem.

Mr. STEARNS. First of all, let me say to my colleague from New Hampshire that you weren't here when it was passed. I am sure glad as heck that you're here today to provide this legislation and give respectful oversight to the taxpayers and help them out with trying to save money and being accountable. So it is a credit to you and your initiative to get this bill on the floor.

I also want to thank the chairman of the Telecommunications Subcommittee for his initiative in getting this on the floor. It's something that, I think, we've wanted to do for a while; and between the leadership of Mr. BASS and the leadership of Mr. WALDEN, we've got this today.

□ 1250

I obviously support this bill, this so-called stimulus package. We hear this all the time: We are going to have a stimulus package. It said to the National Telecommunications and Information Administration, which is NTIA. They said, You have the responsibility for overseeing almost $5 billion of broadband technology opportunities, giving out this money. They tasked the Rural Utilities Service with overseeing about $2.5 billion of broadband initiative. Altogether, that's a whole lot of money, and all the awards were made by September 30, 2010.

But my colleagues, the nationwide broadband map was not launched until February 17, 2011. Think of that. They gave out all this money, but they didn't even have the map in place until October, November, December, January, almost 5 months later. It seems to

me they shouldn't have done anything until they at least mapped this out so they knew the proper places to put this stimulus money.

Many of us in Congress, including the chairman, warned of the danger of spending the money before mapping was done and that allocating funds before maps of unserved areas were in place almost guaranteed that the money wouldn't be used effectively. Some cable and phone companies believe awards had been issued for projects that substantially duplicate—duplicate—their existing service areas. Remember, this is stimulus money.

Any time that much taxpayer money is given away so quickly and subject to political pressure, vigilant oversight is required.

H.R. 1343 clarifies the obligations of the agencies and keeps Congress informed to ensure taxpayers' interests are protected when problem awards are identified. Otherwise, as was the case, as the chairman mentioned with Solyndra, red flags are ignored, cash is rushed out the door, and Congress is told all along that everything is fine.

Today's bill clarifies the responsibility of the NTIA and the RUS going forward to terminate failed or failing grants and loans and to return to the U.S. Treasury any rescinded or relinquished funds. That's good.

This is a responsible and necessary bill, and I urge my colleagues to support it.

Mrs. CAPPS. Mr. Speaker, I encourage my colleagues to vote for H.R. 1343, and I yield back the balance of my time.

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

I want to thank my colleague from Florida who has made some terrific comments regarding this legislation about the importance of oversight. I know my colleague from New Hampshire (Mr. BASS) has been very keenly involved in the oversight efforts as well.

Let me just say, as chair of the Communications and Technology Subcommittee, that we will be doing oversight on how this program is working. We hear some reports that there have been problems getting access to fiber because of the earthquake in Japan that may have slowed build out. We understand that some of the smaller companies may have run into all kinds of problems working their way through rights-of-way issues that have delayed the build out of getting this broadband build out into many of our communities, especially those who don't have broadband today.

So I think it's incumbent upon us, and I won't presume to speak for the minority, but I assume they would agree as well, we need to keep an eye on this just to see how is it working and what impediments are we running into, and are we going to see this broadband actually get built out as it was envisioned. The grants have been issued. The money is obligated, hasn't been spent.

So it looks to me like we have two tasks here. One is to make sure we get what we're paying for as the American taxpayer, and the money that isn't going to get spent comes back or, if there's any kind of fraud developed, all that money we can recover will come back and that there is a very surefire method, without question, that it comes back to the Treasury; and that, also, to take a look at what are the impediments to building out. I know we run into it where I am at, that we do have problems sometimes getting these permits, getting through the various regulations that really impede our opportunity.

I would encourage Members on both sides of the House to approve this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1343, 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.

CEMENT SECTOR REGULATORY RELIEF ACT OF 2011

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the legislation and to insert extraneous material on the bill.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 419 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. 2681.

□ 1300

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. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, with Mr. WOMACK 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 Kentucky (Mr. WHITFIELD) and the gentleman from California (Mr. WAXMAN) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky.

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

There has been a lot of discussion in the 1-minutes this morning about the importance of passing the Obama jobs bill. I would like to remind everyone today that the bailouts, the stimulus packages, all have exceeded $2 trillion in the spending of taxpayer money. And despite the expenditure of all of that money, the unemployment rate in America is still well over 9 percent, even though it was suggested that with the spending of the stimulus money, unemployment would be brought down to less than 8 percent.

I would also remind everyone that within the last 3 days, the Department of Energy shoved out the door approximately $5 billion in loan guarantees for so-called green energy projects without, in my view, the necessary time to clearly evaluate the loans that were being made. And we have proof of this because, in the Solyndra case, the taxpayers are going to have to expend $538 million because that company went bankrupt. Now in the Obama jobs bill, they're asking for another approximately $500 billion to be spent to create jobs.

Well, the reason that we're here today is that if you talk to any businesspeople today, large or small, they will tell you that the reason jobs are not being created in America is because of uncertainty, the uncertainty about health care regulations, not knowing what they're going to be. Already, 8,700 pages of new regulations have been written.

The uncertainty created by the new financial regulations that increase the capital requirements for loans to be made changes the appraisal process. That has created great uncertainty; but, most important, the uncertainty created by this aggressive Environmental Protection Agency. This administrator has been the most aggressive in issuing new regulations in the history of the EPA.

We all are committed to clean air that allows for healthful living in America, but we also want to use common sense, particularly at this time when our economy is struggling. And so when you issue new regulations that create additional obstacles for job creation, that is a major problem.

I noticed today, for example, in The Hill magazine: ''Senate Democrats Buck Obama on Jobs Plan.''

□ 1310

So they have the same concerns that we do.

So, today, we're bringing to the floor H.R. 2681, referred to as the Cement Sector Regulatory Relief Act, which basically says to EPA about their recently issued cement regulatory items, we want you to go back and revisit this bill because evidence shows that 20,000 jobs are at jeopardy and 18 percent of cement plants in America may very well be closed because of this regulation. So we're simply asking EPA in this legislation to go back, revisit this rule, issue a final rule within 15

months after the passage of this legislation and give the affected industry up to 5 years to comply with the new regulations. Because in doing so, we're going to reduce the loss of jobs, which is critical at this time of our Nation's history.

Now, I would also like to say that this legislation introduced by the gentleman from Oklahoma (Mr. SULLIVAN) has bipartisan support. If you look at the sponsors and cosponsors, you will see a lot of Democratic cosponsors of his legislation. I would also say to you that there are over 29 national associations and construction groups that support this legislation led by the American Road & Transportation Builders Association; the Associated General Contractors of America; the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers; the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers; the United Brotherhood of Carpenters and Joiners of America; Laborers' International Union of North America; and the International Union of Operating Engineers. So you have businesses and labor unions all supporting this commonsense legislation simply directing EPA to do a more careful analysis before they fully implement this hard-hitting regulation that would close 18 percent of the cement plants in America.

We believe that this can be done and still clearly protect the health of the American people as well as the clean air that we now have in this great country.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I want to at this point yield 5 minutes to the very distinguished ranking member of the Subcommittee on Energy, the gentleman from Illinois (Mr. RUSH).

Mr. RUSH. I thank the ranking member of the full committee, and I commend him on his outstanding work not only on this particular matter but in most of the issues that come before this Congress as it relates to not only the purpose of us but the prosperity of the American people.

Mr. Chairman, I rise today in strong, strong opposition to this bill, H.R. 2681. I call it the Dirty Cement Pollution Bill. Let's be perfectly clear, Mr. Chairman. This bill, this measure is not about jobs. For the chairman of the subcommittee, and my friend, just to try to persuade Members of this body that this is about jobs, I think that it's the worst kind of politics. Jobs now is the useful canard, but this is not about jobs. This is about an industry that is singular in its being eliminated or being not under the auspices of the Clean Air Act, and about an industry that is unique because it doesn't have to adhere to any of the provisions of the Clean Air Act. And it's about time that this industry be included with other industries in this Nation to come under the auspices, the jurisdiction, and the standards of the Clean Air Act.

Cement kilns emit nearly 8 tons of mercury each year, making them the Nation's second-largest mercury emitting source. Before the EPA issued its 2010 air toxics rule, these emissions remained essentially unrestrained due to the lack of controls for cement kilns regulating the release of mercury into the atmosphere.

H.R. 2681 would roll back existing Clean Air Act standards by revoking three Clean Air Act rules, including the only national limits on emissions of air toxics, such as mercury, from cement kilns. This Dirty Cement Pollution Bill will also require EPA to propose and finalize weaker replacement rules that will allow for more pollution than the law currently permits.

This bill is intended to significantly change how EPA sets the standards when issuing the alternative rules. H.R. 2681 would indefinitely delay the reductions of air toxics and other hazardous pollutants by prohibiting EPA from finalizing replacement rules prior to March 2013 if this bill were to be enacted at the end of this year.

Also, this bill does not include any statutory deadline for when polluters must reduce emissions, leaving the process ambiguous and open-ended. At the very least, this Dirty Cement Pollution Bill would postpone emission reductions from cement kilns until at least 2018—a 4½-year delay. In fact, the health safeguards from these standards are long, long, long, long overdue. EPA just finalized standards for cement plants in September of last year, making them 13 years overdue under the Clean Air Act amendments of 1990—13 years overdue already. They are overdue 13 years.

The science tells us that these dirty air toxics can cause a variety of serious health effects, including cancer and respiratory neurological impairments, as well as reproductive problems.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman 1 additional minute.

Mr. RUSH. In particular, mercury exposure can cause great harm to pregnant women, unborn babies, and young children by damaging their developing nervous systems, which affects children's ability to learn and to think.

Additionally, mercury emissions can also damage the environment by polluting our Nation's lakes and streams and the seafood which we eat. In fact, EPA estimates that H.R. 2681 will allow for thousands of additional premature deaths and premature heart attacks, as well as tens of thousands of additional asthma attacks that could have been avoided.

Mr. Chairman, the public health benefits from the reduction of air toxics emissions from cement kilns have already been delayed long enough. Now is the time. The radical Republican majority cannot keep making excuses and exceptions for the largest industrial emitters of mercury in the U.S., cement plants and industrial boilers, while over 100 other industries have already controlled their air toxic pollution.

Mr. WHITFIELD. I know that we're going to be hearing a lot about mercury today. I would like to point out that it's been indicated that 98 percent of the mercury present in America today, air, land, and so forth, comes from natural causes and from sources outside of the United States. And the EPA, in its analysis of the cement regulation that they just issued, did not assign any dollar value that would come from the reduction of mercury emissions.

□ 1320

So I think that this is a red herring that our friends are bringing up on the other side.

At this point in time, I yield 4 minutes to the gentleman from Oklahoma (Mr. SULLIVAN), the author of this legislation.

Mr. SULLIVAN. As we go around our districts, as I go around my district in Oklahoma, many people come up to me and say, JOHN, what are you politicians in Washington going to do to help this economy? What are you going to do to create jobs here in America? Well, you know, we politicians don't create jobs, but what we do do is we get in the way. And one of the things we can do to keep jobs in place and even foster new jobs is getting the heck out of the way with these burdensome over-regulations that are out there.

The EPA has gone rogue, wanting to shut down 20 percent of our cement plants. And President Obama, when he came to the joint session here recently, said he wanted to build roads and bridges and infrastructure. Well, I guess he wants to do that with imported Chinese cement, not American-made cement.

I rise today in strong support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011. As House Republicans move forward with a bold agenda to grow our economy and put Americans back to work, one area that must be addressed is the issue of over-regulation by the Federal Government.

With our economy suffering, and given that 14 million Americans are out of work, Congress must implement Federal policies that grow jobs, increase domestic manufacturing, and restore the global economic competitiveness of the United States.

Businesses make decisions on where to invest based upon a number of factors, but regulatory certainty ranks among the top factors, which is why H.R. 2681, the Cement Sector Regulatory Relief Act of 2011, is so important.

I introduced this bipartisan legislation with my good friend and colleague from Arkansas, MIKE ROSS, to protect American jobs, jobs that we are in danger of losing due to the Obama administration's radical environmental regulatory agenda.

The purpose of this legislation is to provide EPA additional time to repropose and finalize its rules setting Maximum Achievable Control Technology and other standards for cement manufacturing plants so that the rules are both achievable and protect American jobs.

Specifically, the EPA would be required to repropose the Cement MACT rules 15 months after enactment of this legislation. The bill will also extend the dates for compliance with the rules from 3 to 5 years to give our domestic cement manufacturing industry the time to comply with its rules.

If EPA's Cement MACT rule is not revised, thousands of jobs will be lost due to cement plant closures and high construction costs. This rule alone threatens to shut down up to 20 percent of the Nation's cement manufacturing plants in the next 2 years, sending thousands of jobs permanently overseas and driving up cement and construction costs across the country.

Additionally, the Portland Cement Association estimates it will cost $3.4 billion—half of the industry's annual revenues—to comply with the EPA's Cement MACT rule. Does that make any sense?

The EPA's Cement rule also greatly impacts our Nation's construction industry, where unemployment rates have hovered between 16 and 20 percent nationally. Without my legislation, construction job losses would be further exacerbated with reduced supplies of cement being produced in the United States.

The simple fact is cement is the backbone for the construction of our Nation's buildings, roads, bridges, and crucial water and wastewater treatment infrastructure. Without further investment in cement capacity expansion, the United States will become increasingly dependent on foreign imports.

The CHAIR. The time of the gentleman has expired.

Mr. WHITFIELD. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. SULLIVAN. Additionally, lost supplies of cement resulting from closure of cement plants would also drive up the cost of infrastructure projects and potentially limit the number of projects that may be undertaken.

Now, some of the opponents of this commonsense, bipartisan legislation, including President Obama, say this legislation weakens the Clean Air Act. Nothing could be further from the truth. H.R. 2681 does not change or modify any existing public health protections. It simply directs the EPA to establish regulations achievable in practice by real-world cement plants. At a time of great economic uncertainty, this is something worth doing for the health of our economy.

I do not know if the President is watching, but right now jobs are not being created and our economy is not growing. The cement sector is struggling in the current economic climate and in the face of foreign competition from abroad.

President Obama likes to talk about the need to invest in our Nation's infrastructure, and this legislation will remove one of the several barriers to growth in the construction and manufacturing industries. I am amazed he is opposed to this bipartisan measure, and I encourage my colleagues to support this.

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

I want to put this bill in the perspective of what the House has been doing on the environment. The House has voted 136 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands in coastal areas, and to weaken the protections of the environment in other ways as well. This is the most anti-environment Congress in history.

Last month, the House passed radical legislation to turn back 40 years of progress towards clean air. That bill will nullify pollution control requirements on power plants—the largest source of toxic mercury pollution in the country—and weaken our national clean air goals by basing them on corporate profits, not on public health.

Today, the House continues its frontal assault on public health and the environment. The bills we will consider this week are the next phase of the Republican concerted attack on our environment. The bills would gut the Clean Air Act provisions that protect American families from toxic air pollutants. If these bills are enacted, there will be more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990, the Congress, on a bipartisan basis, voted to protect the public from these toxic pollutants. The law directed EPA to set standards requiring the use of a Maximum Achievable Control Technology to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year.

EPA has reduced pollution from dozens of industrial sectors. More than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to this Nation. But a large source of categories still have not been required to control toxic air pollution due to delays and litigation.

The bill we consider today would nullify and indefinitely delay EPA's efforts to reduce toxic emissions from cement plants. Now, the chairman of the subcommittee said this is a commonsense bill. It's only for a short delay. He said that cement plants would have up to 5 years to comply with pollution control requirements. And you might think, well, a little bit more time is not going to do that much harm. But that is not a correct statement of what this bill would do.

The bill says that EPA cannot require any pollution reduction from any cement plant for at least 5 years. So it's 5 years before they can do anything at EPA. And then there's no deadline thereafter where the facilities ever have to comply. That, to me, is not a simple, commonsense approach to a very dangerous pollution.

Later this week, we are going to have consideration of a bill to indefinitely delay pollution controls on industrial boilers and waste incinerators. Both of these bills would rewrite the standard provisions of the Clean Air Act to weaken the levels of protection and set up new hurdles for EPA rules. We're told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. The reality is that requiring installation of pollution controls will create jobs.

□ 1330

We're going to need more factory workers. We're going to need to build the pollution controls. We're going to need construction workers to install them on-site, cement plant employees to operate them. We hear this all the time, these statements that pollution controls will cost us jobs.

But these arguments have been thoroughly debunked by independent experts. For instance, the Congressional Research Service examined one and concluded ''little credence can be placed in these estimate of job losses.'' The State and local air pollution agencies concluded that one study's assumptions are grossly in error. It's my hope that this body will not be so easily misled.

It was lack of regulation at Wall Street—on the banks and the brokers and the other people who spent their time figuring out very crafty investments for which nothing backed them up—that caused this recession, not because we had environmental regulations that protect children from toxic mercury emissions.

I oppose these bills on substance, and I also have concerns about the process. But let me go into concern about the process.

We were told this is a small issue. It depends on how you look at it. These bills are bad enough to oppose simply on the basis of what they would do. But it shows how the Republican majority in this House wants to adopt rules and regulations on themselves but then not abide by them. The House didn't change the rules, but the majority leader said we have a protocol that, whenever we have a discretionary CutGo rule in the legislative protocols for the 112th Congress, we must have funding authorized to make up for the extra requirement that's going to be required of any government agencies.

And this requires a specific amount to be offset by a reduction in an existing authorization. The majority leader announced that compliance with these protocols would be necessary before legislation could be scheduled for floor consideration.

We had a similar situation where Chairman UPTON said that our committee would follow this discretionary CutGo rule. He sent me a letter, which I'll make part of the record, in June to clarify this discretionary CutGo policy will apply to pending bills before our committee. ''If CBO determines,'' he said, ''that any of these bills will have a significant impact on the Federal budget, we'll offset the newly authorized spending with reductions elsewhere.''

Well, CBO has determined that both of these bills that are on the floor this week will, in fact, authorize new discretionary spending. I read one of the quotes from a Republican staff person. We don't need to worry about it because it doesn't really authorize new spending.

CBO says it does. They determine these bills will have a significant impact on the Federal budget because of the bill's requirement the EPA spend resources on proposing and finalizing new regulations. They said it's only going to cost $2 million over a 5-year period. That's not a lot of money, but it is money, and that's why the Republicans had this protocol. They said we didn't want any money being spent without it being offset.

Now, this is not a rule. We don't have to waive this rule. But what we have is not a waiver of this rule. We have the Republicans ignoring their own protocol and their own policies.

The American people need to focus on the radical agenda of the Republicans that are controlling this House of Representatives. I don't think when the Republicans were voted into office the American people voted for poisoning more children with mercury and letting more of our seniors die prematurely because of uncontrolled pollution.

I oppose this bill, and I reserve the balance of my time.

Mr. WHITFIELD. I might say to the distinguished ranking member that we do not authorize any additional funding in this bill and that EPA does have a $2 billion budget that allows them to deal with regulatory issues.

I yield 4 minutes to the gentleman from Texas (Mr. BARTON), the chairman emeritus of the Energy and Commerce Committee.

Mr. BARTON of Texas. I thank the distinguished subcommittee chairman.

I listened with interest to Mr. WAXMAN's remarks. Sometimes, when there's not a lot you can say substantively against an issue, you just put a lot of stuff out there and hope something sticks; and I would have to characterize most of his remarks as hoping that some of what he said sticks.

The bill that he just spoke against is only 8 pages long. It's just 8 pages. And here's the gist of the bill. It asks the EPA, or directs the EPA, to go back and spend 12 to 15 months to take a look at the rule that it was about to propose, in other words, to go back and reanalyze it. I don't think that's gutting the Clean Air Act.

Then it extends the compliance deadline for an additional 3 to 5 years. Now, that's substantive. That could result in some additional time, which I think is a good thing. But that, in and of itself, shouldn't be a showstopper.

And then it asks that the EPA, when they adopt these new rules, to make sure that it's still allowable for cement manufacturing to use alternative fuels. Well, last time I looked, the Democratic Party was big on alternative fuels and supporting loan guarantees to develop those fuels, so that shouldn't be a showstopper.

Then, finally, it says, whatever rule that you eventually adopt, you have to be able to implement it in the real world. Now, that is an amazing thing, that we want a regulation to be promulgated that you can actually achieve with real-world technology. In Texas, that's called common sense. I'm not sure what it's called up here.

That's the bill. That's the bill. It's an 8-page bill.

Now, Mr. WAXMAN also said that we've had 100 votes trying to do terrible things to the environment in this Congress. We've not had one vote, ladies and gentlemen, that changed an existing statute that's already in place, an existing standard. All these votes that my good friend from California talks about are a time-out and saying, wait a minute, before we make them even tighter, let's make sure they make sense.

We've got an economy that's reeling. We've got unemployment at 10 percent. The compliance cost of this plethora of EPA regulations is in the billions of dollars annually. Billions. Billions. This particular Cement MACT rule, if implemented, would shutter somewhere between 15 to 20 percent of cement production in the United States. That's not trivial, folks. That's real.

So what those of us that support the bill are saying is: Let's take a second look at it. Let's make sure that the rules have time to be implemented. Let's let alternative fuels be used, and let's let whatever regulation is ultimately implemented actually be achievable in the real world.

I think that's worthy of support, and I would ask my friends on both sides of the aisle to support this when it comes up for a vote, I would assume sometime tomorrow probably. We've got 20-something amendments, so we're going to be here debating it.

But this is a good piece of legislation. It's common sense. It would help our economy, and we would still get additional regulation that makes sense for cement kilns.

Mr. WAXMAN. Mr. Chairman, I have in front of me the bill, and it says, whatever regulations the EPA is proposing—and it's taken them a decade to finally come up with these regulations—it'll be null and void. It will have no force of action. It will be treated as though such rule had never taken effect. And then it's going to be replaced.

Now, how is it going to be replaced? Well, it says we're not going to let them replace this rule for 5 years. Well, during this period of time, people are still being exposed to these toxic pollutants. So it says, not earlier—they'll establish compliance and they'll establish new regulations, but nobody has to do anything for 5 years.

But then it doesn't say at any time about when you have to actually come into compliance, which, of course, in existing law is set in place. That's repealed.

And then it goes on to say they're going to have to meet a different standard. The standard that's in the law is going to be replaced by some other standard that basically waters it all down.

□ 1340

The standard in the law, by the way, is the maximum achievable control technology. That means technology that already achieves reductions. But that will be wiped out. They'll have a new standard. It can't be pursuant to the regulation; the regulation can't come out for 5 years; we don't know when it would ever be complied with; and it would be based on a different standard.

That is not simple. That is in effect saying nothing is going to be done. We repeal what is being set in law, and then we are going to insist that nothing be done. That to me is an absurdity, and it's harmful to the public that's going to be exposed to these harmful chemicals.

I would at this time yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who is the lead appropriator on our side of the aisle when it comes to these kinds of issues.

Mr. MORAN. I thank the distinguished ranking member, particularly for his leadership in protecting the public's health.

Mr. Chairman, I rise in strong opposition to this bill. If this bill is enacted, an intolerable number of American babies will be born with birth defects that could have been avoided. The majority sets out a false choice: roll back clean air protections or lose jobs. The real choice is a moral one, but the economic case for defeating this bill is also compellingly clear.

EPA cement kiln rules are designed to reduce harmful pollutants from cement production, including metals like mercury, hydrocarbons, particulate matter, acid gases, sulfur dioxide, and nitrogen oxides. EPA's standards are both achievable and defensible. They will yield far more economic benefits than costs, preserving jobs and Americans' health.

The most harmful of these cement kiln pollutants is mercury. Congress required EPA to regulate mercury emissions in the 1990 Clean Air Act amendments and to identify the largest sources of mercury reductions. EPA has done what we required. These regulations are necessary because cement kilns are the second-largest source of mercury emissions in the United States. Some cement kilns emit more mercury than some coal-fired power plants. One hundred fifty cement kilns operating in the United States emit as much as 27,500 pounds per year, double EPA's estimates from 6 years ago. In Oregon, New York, and California, the largest single mercury pollution source is a cement kiln.

Please focus on this: Mercury is so toxic that just one-seventieth of a teaspoon of mercury, or .0024 ounces, can contaminate a 20-acre lake and render the fish in that lake poisonous to eat. Mercury exposure causes a number of health problems, including heart disease, reduced fertility, genetic mutations, immune system suppression, premature death, and major losses in children's mental capacity.

Elemental mercury from kilns goes up into the air. The rain washes it into our rivers and streams. Then the bacteria in the water converts it into methyl mercury, which is lethally poisonous, because methyl mercury is almost completely absorbed into the blood and distributed to all our tissues, including the brain. It passes readily through the placenta in a mother's womb and into the fetus and into the fetal brain. Mercury then continues to impact the brains of those children as they grow and age. We know this now, which was not as clear as it is now, back in 1990. So if we know mercury does this to our children and that these regs can prevent those children from such irreparable harm, don't we have a concomitant moral responsibility to protect our children from such intellectual deprivation and suffering for the duration of their lives?

Let me say it again. It is well-documented that exposure even to low levels of mercury does reduce a child's IQ. This IQ reduction has real impacts on those children, their families, and ultimately the U.S. economy. If the majority won't listen to health-based arguments, perhaps they will listen to the economics of this issue.

Mercury exposure during pregnancy and childhood has direct and indirect effects on that child's future earning potential. Mercury-exposed children have harder times getting and keeping jobs later in life, and their performance when they get those jobs is worse. The cost to society of this IQ reduction is enormous, but it's not incalculable. Independent scientific studies estimate that the cost is as high as $22,300 per IQ point per child, which cumulatively amounts to $8.7 billion in lost potential per year, based on CDC studies of half a million children who have blood cord mercury levels higher than 5.8 micrograms per liter, the level that adversely affects their IQ.

The CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. I yield the gentleman an additional minute.

Mr. MORAN. I thank the gentleman.

We know this $8.7 billion can now be quantified.

There are so many other things that mercury does, I won't go into them. But this cement kiln rule also applies to other harmful pollutants.

The fact is, Mr. Chairman, that the majority constantly urges us to balance the costs and benefits of environmental regulation, but when the benefits of regulating hazardous pollution substantially outweigh the costs, as they do with mercury, all of a sudden that doesn't become an issue for the debate. It ought to be an issue for the debate, because it's about the future health of our children.

If we don't defeat this bill, if it were to be enacted, children will suffer and our economy will become weaker. The fact is that we have both a moral and an economic responsibility to defeat this bill, and thus I urge its defeat.

Mr. WHITFIELD. Mr. Chairman, how much time do we have remaining?

The CHAIR. The gentleman from Kentucky has 15 minutes remaining. The gentleman from California has 7½ minutes remaining.

Mr. WHITFIELD. Thank you, Mr. Chairman.

I now yield 4 minutes to the chairman of the Telecom Subcommittee of Energy and Commerce, the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Thank you very much, Mr. Chairman.

I just want to touch on a couple of things. First of all, you can tell we're into October and Halloween is coming because all the scare tactics are out and on display.

We heard several things from the last speaker, and since I'm from the State of Oregon, I want to point out, he mentioned that the biggest polluter of mercury in Oregon is the cement kiln. Why is that? Because we only have one coal plant and it's being closed. So that's it.

The cement factory in Durkee, Oregon, which is in my district, a county of 16,000, 3 years ahead of any of these rules invested $20 million in the latest, most advanced technology to remove their pollutants, reduce their emissions, $20 million, they reduced their emissions by 90 percent, and what this rule would do, the MACT rule under consideration here that we're trying to delay and bring common sense to, it would put them out of business, because they're already using the maximum achievable control technology that is available in the world. They've reduced their emissions by over 90 percent on a consistent basis. There isn't technology available to go further, because the limestone found behind this plant that's been in operation for, I don't know, 30 or 40 years, happens to have a little higher level of mercury.

The Clean Air Act would allow the EPA to create a subcategory. They chose not to. The Clean Air Act says you can't force a company to do more substitution, and yet that's what would have to occur here—except there's no limestone anywhere nearby.

According to the EPA's own ''Roadmap for Mercury'' study in 2006, 83 percent of the mercury deposited in the U.S. originates from international sources. This is the State of Oregon. Guess what's out here somewhere: It would be China. We get it in from the atmosphere. So what we're doing here is trading our jobs to China, buying our cement there, they don't have these rules, we get their pollution, we lose, and you put a plant out of business.

□ 1350

You want to talk about jobs? There are 109 individuals who work at the Ash Grove Cement Company in Durkee, Oregon. The Teamsters wrote to me back in March, imploring me to do everything I could to ensure these jobs:

''As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the number one priority for all of us,'' Lynn Lehrbach, Representative, Joint Council of Teamsters No. 37.

The entire Oregon delegation recently signed a letter to the EPA, advocating Ash Grove for their Clean Air Excellence Award. In that letter, it reads:

''Ash Grove's commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant 3 years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove's and their ultimate success in making meaningful reductions is a model that others should emulate.''

Yet if these rules were to go into effect, they can't meet the new rules because the new rules would make them reduce their emissions by 98.4 percent. Now, this is the biggest employer in Baker County with direct and indirect jobs of some 654 in the area. They have been a good corporate citizen. They care about the people of Baker County and the surrounding areas. They are working day and night to reduce their emissions, and it's simply not achievable. Baker already has 10.7 percent unemployment. You take this away, and think what that unemployment rate will be. They have reduced their emissions. The emissions we're getting—83 percent according to the EPA—are already coming in from elsewhere, deposited in the United States from international sources, both natural and remitted.

Look, we're just trying to find some balance here. We're saying the Clean Air Act set the maximum achievable control technology, but that can't be met here. It doesn't work. They're already using the activated carbon injection filtering system. They've already

spent $20 million to achieve their goals. We're just saying we care about the jobs, too. We care about the air, and we care about the jobs.

So when Assistant Administrator Gina McCarthy testified before our committee, I asked her, I'm concerned about these health problems. Would you provide for me the effects in Baker County in Oregon that you've demonstrated to come up with these data points.

Twenty-seven days later, we still have no response.

I urge my colleagues to support this bill, to save the jobs and to bring responsible management to air control and quality improvement.

JOINT COUNCIL OF
TEAMSTERS NO. 37,
Portland, Oregon, March 31, 2011.

Hon. GREG WALDEN,
U.S. Representative, Oregon District 2, Rayburn House Office Building, Washington, DC.

Hon. GREG WALDEN,
U.S. Representative, Oregon District 2, Medford, OR.

DEAR REPRESENTATIVE WALDEN: The current economic conditions are affecting most of our Teamster Industries. One in particular is our Durkee Cement Plant in your district.

The EPA/Oregon DEQ is attempting to shut the Durkee Cement Plant down for not meeting emission standards. The Durkee Plant spent $20 million to retrofit their plant to meet the EPA's requirement. They came close, but no horseshoe.

As you are aware, this cement plant is important to the community in Durkee, and also, their product is vital to rebuilding and building our infrastructure. Economic stability and jobs should be the No. 1 priority for all of us.

We are asking for your help to keep the Durkee Cement Plant in operation. Thank you for your attention to this most important issue.

If you have questions, please do not hesitate to call.

Sincerely,

LYNN R. LEHRBACH,
Representative.

CONGRESS OF THE
UNITED STATES,
September 27, 2011.

Re Clean Air Excellence Awards—Ash Grove Cement Company, Durkee, OR

Attn: PAT CHILDERS,
U.S. EPA, Office of Air and Radiation, Washington, DC.

DEAR MR. CHILDERS: Please accept our endorsement of Ash Grove Cement Company's application for consideration of the 12th annual EPA Clean Air Excellence Awards in the categories of Clean Air Technology and the Gregg Cooke Visionary Award. Ash Grove commitment to proactively reduce mercury emissions at its Durkee, Oregon, plant three, years ahead of the new EPA rules taking effect is commendable. This type of action by Ash Grove and their ultimate success in making meaningful reductions is a model that others should emulate.

In 2008, after several years of involvement from citizens, scientists and leaders from the local community and from around Oregon, Ash Grove signed an agreement with the Oregon Department of Environmental Quality to voluntarily reduce mercury emissions at the Durkee plant. This led to the development and implementation of a first-of-its-kind Enhanced Activated Carbon Injection system, based on the best available science and peer-reviewed technology in the world. Ash Grove invested more than $20 million in this project with the goal of reducing mercury emissions by at least 75 percent. In actuality, the mercury control efficiency has been in excess of 95 percent.

Located in rural eastern Oregon, Ash Grove's Durkee plant is the last remaining manufacturing business in Baker County. Unfortunately, the region's limestone contains naturally high concentrations of mercury due to the region's volcanic geologic history. Ash Grove's willingness to step up and address mercury emissions at its plant is vital to the social, economic and environmental welfare of our constituents.

We admire Ash Grove for proactively taking on this important environmental challenge. The results of their efforts will have a lasting benefit for Oregonians and the U.S. for generations to come and they are deserving of recognition for this contribution.

Respectfully yours,

JEFFREY A. MERKLEY,
U.S. Congress.
RON WYDEN,
U.S. Congress.
GREG WALDEN,
U.S. Congress.
KURT SCHRADER,
U.S. Congress.
EARL BLUMENAUER,
U.S. Congress.
PETER DEFAZIO,
U.S. Congress.

Mr. WAXMAN. I yield myself 2 minutes.

I want to acknowledge that the gentleman from Oregon is pointing out a real problem for his district, but it is a unique problem in his district because the limestone that's used in the kiln has a high content of mercury. I understand that EPA is trying to work through that issue, but I do want to point out to my colleagues that this example should not serve as the basis for this bill that's before us.

We've heard over and over again from my colleagues on the other side of the aisle that 99 percent of the mercury in America comes from nature, from outside other countries that the trade winds bring here to our land. Chairman BARTON even said most mercury that's emitted is emitted by natural causes. In 2000, EPA estimated that roughly 60 percent—not 99 percent as Mr. WHITFIELD pointed out—of the total mercury deposited in the United States comes from anthropogenic air emission sources within the United States, such as from power plants, incinerators, boilers, cement kilns, and others, and that the remaining 40 percent comes from the combination of sources of natural emissions and remission into the United States from the wind.

It hasn't changed much since the year 2000. An example is one study by the University of Michigan, which found that the majority of mercury deposited at a monitoring site in eastern Ohio came from local and regional sources. EPA estimated that 80 percent of the mercury deposited in Pines Lake, New Jersey, comes from manmade U.S. sources. There was a bit of peer-reviewed scientific study that found two-thirds to three-quarters of the annual global mercury emissions are caused by human activity. So let us not minimize the problem where those who are living near these facilities are experiencing a great deal of harm.

I reserve the balance of my time.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Texas, a member of the Energy and Commerce Committee, Mr. OLSON.

Mr. OLSON. I thank the chairman of the subcommittee for yielding.

Mr. Chairman, today, the House takes another step to ensure a stable regulatory environment for the cement industry. In a rush to regulate, the EPA issued economically damaging rules that jeopardize 4,000 American jobs in the cement industry. The cement industry has stated that it cannot comply with these rules even with the best current technology.

CEMEX is a cement company with operations based in Houston, Texas. They've asked Washington for help in negotiating with EPA on these unachievable rules. CEMEX is just one company of many that Congress has repeatedly heard from that may be forced to move operations overseas where regulations are more reasonable.

EPA's failure to strike the proper regulatory balance puts U.S. jobs in jeopardy and hurts our global competitiveness. The bill before the House today simply gives EPA the needed time to ensure the rules are reasonable and attainable in the real world.

Mr. Chairman, I urge my colleagues to vote for H.R. 2681, the Cement Sector Regulatory Relief Act, so we can stop exporting American jobs.

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

Mr. WHITFIELD. I yield 1½ minutes to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Chairman, I rise today in support of H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

H.R. 2681 is on the House floor today as part of the Republican regulatory relief agenda to reduce job-killing government regulation on businesses. This bipartisan bill would provide a much needed legislative stay for the EPA to redraft new cement requirements that would affect approximately 100 cement plants and thousands of jobs.

This type of government regulation hinders job creation and forces American jobs overseas. The American public is growing increasingly concerned about government regulation coming out of the Environmental Protection Agency. A recent survey found that 74 percent of American voters throughout the country believe that businesses and consumers are overregulated. This overregulation has a chilling effect on job creation.

I urge my colleagues to support H.R. 2681 in an effort to rein in the EPA and government regulation.

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

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. I thank the gentleman for yielding.

I think we can all agree on some things. I think Mr. WAXMAN would agree and Mr. MORAN, number one, that we want to preserve American jobs if we can; but I think, number two, we don't want to compromise our health standards. There has been a lot of talk today about we have to either do one or the other, but I think we can do both.

Now, if you'll look at the EU, which passed what they call the ''gold standard'' on emissions from cement plants, they determined that mercury they could bring down to .05. What has the EPA said? They've said they want to bring it down to .01. That's five times more restrictive than in Europe. .5, which is the European standard, is about four times more strict than in Mexico. I think we all agree that even the EPA said we'd close 20 percent of our factories, but we would get that cement, according to the Congressional Budget Office, from Mexico, which is polluting our air and does not have nearly the standards we have.

So if mercury is a problem, why would we shift production to something that is four times more dangerous than even that of the European Union? On the other hand, as to the European Union, which is the strictest on environmental standards in the world now, why are their standards so bad? They don't go below this.

One reason with mercury is it is naturally occurring. There's a debate whether it's 60 or 40, but let me say this: At .01, it's actually more severe than what is naturally occurring in some of the supply.

□ 1400

Yes, I have a vested interest. The second largest employer in my second biggest county is a cement plant. The largest employer in one of my cities of 20,000 people is a cement plant.

Those jobs won't exist. They're willing to spend $350,000; but in an industry that only had $2 billion worth of revenue, there is no way they can spend $10 billion.

Let's restore a little sanity, and we can do that. Common sense dictates that we can have jobs, and we can have safety, and we can do that not by these onerous standards on hydrochloric acid and other things.

U.S. VS. EUROPEAN EMISSION STANDARDS

Parameter (mg/Nm^3 at 10% O_2)	U.S. standards (EPA final rule)	European standards
Mercury	0.01	0.05
Hydrochloric Acid	3.83	10
Particulate Matter	7.72	20

Prepared by the Office of Congressman Spencer Bachus.

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

Mr. WHITFIELD. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. I thank the chairman.

Mr. Chairman, I rise in support of the Cement Sector Regulatory Relief Act. The cement industry is in its weakest economic condition since the 1930s. Domestic demand for cement has dropped by more than 35 percent in the last 4 years, killing more than 4,000 manufacturing jobs.

In March of last year, 136 cement workers were laid off at the Wampum cement plant in my district. It was the oldest continuously operating Portland cement manufacturing site in the United States, but now cement production at Wampum has ceased and only 15 jobs remain.

Despite this bleak scenario, the EPA issued its regulation which has a $3.4 billion price tag and standards that no cement plant in the United States can achieve while demand languishes. The economy will have to improve for these jobs to return to Wampum; but when the EPA issues unfair, unachievable regulations, it sets these manufacturers back even further.

I urge my colleagues to support this bill.

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

Mr. WHITFIELD. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Kentucky has 6½ minutes remaining, and the gentleman from California has 4½ minutes remaining.

Mr. WHITFIELD. I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Chairman, I appreciate this opportunity to speak on this bill.

First, I am the co-chair of the Cement Caucus, along with Congressman MIKE ROSS of Arkansas.

My district is the largest cement producing district in America. I have a town in my district called Cementon. I have a high school team called the Konkrete Kids. This is what we do in my district in large part.

I have five cement plants, Lafarge, Buzzi, Keystone, Essroc, Heidleberg-Hanson, Lehigh Portland cements. I have a company that manufactures and constructs cement plants, FLSmidth-Fuller. This is a big business where I live. It's an important business, the basic industry and the manufacturing to the industrial sector of this country.

These three rules that we are dealing with are going to have a dramatically negative impact on cement production in America. Foreign imports currently make up more than 20 percent of total U.S. cement sales, and that number is going to grow if these regulations are implemented.

Many of these foreign producers, as has been pointed out by some of the previous speakers, do not operate with anything close to the types of regulations that we are talking about here today, whether they be in Europe or Mexico, China or elsewhere. And as has been stated previously, close to 20 percent of all cement production facilities in this country are likely to close as a result of these three rules.

What are they? It's NESHAP rule, which cobbles together a whole range of different performance characteristics for different pollutants without determining if it is possible for any single cement plant to comply with all the various standards simultaneously.

Also one called CISWI—and I won't read the acronym—but that is going to have an impact on the ability to use solid waste in the form of tires, waste plastics, and other materials that we use in cement plants. This material would be land-filled. We'd have unsightly tire piles all over America, breeding grounds for mosquitos and West Nile virus. We burn them in cement plants. They have high Btu content. This will make it much more difficult, these rules, if they are implemented. So we have to stop it.

So what this bill does, it scraps its three existing rules and requires the EPA administrator to develop and propose more realistic and achievable regulations within 15 months. This is completely reasonable. Support this. This is about protecting American jobs. I urge a ''yes'' vote.

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

Mr. WHITFIELD. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise today in support of H.R. 2681, and I just want to talk a little bit about the real-world effects that have been alluded to.

I have firsthand knowledge. My family's company, now owned by my cousins, but a company started by my father and my uncle has been in the Redi Mix concrete business for over 40 years. I own a sand and gravel company back in Michigan.

I just want to point out that this is actually not an attack on clean air, as some of my colleagues on the other side have said. This stops an attack on the American worker. Let's talk about some of those real-world effects.

We will be buying more cement from outside the United States, as has been pointed out, and it is much dirtier produced over there. What are the challenges that we have been seeing in this industry over the last few years?

We know that a soft economy means less construction. Other challenges that we have been dealing with: increased fuel costs, increased health care costs under ObamaCare and other requirements, increased unemployment insurance requirements, increased labor regulations, now even greater costs with little or no benefit directly coming to us.

I don't quite understand what my colleagues on the other side think is going to happen when we are talking about building roads. Do they want to drive on wooden roads? Do they want to live in mud brick hovels and shiver in the cold?

I mean, we have got to have concrete and cement as the backbone of the recovery here that we are going to be having. We will simply be forced to buy that cement from outside the United

States, and I don't understand why this administration insists on attacking the engine of our recovery.

This stops an attack on the American worker and job creators, and I support the bill.

Mr. WAXMAN. Mr. Chairman, may I inquire if the gentleman from Kentucky has more than one speaker?

Mr. WHITFIELD. Mr. Chairman, I have one more speaker and he will be closing. Other than that, I have no further requests for time.

Mr. WAXMAN. May I inquire, Mr. Chairman, which side has the prerogative to close?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Kentucky has the right to close.

Mr. WHITFIELD. Mr. Chairman, may I inquire how much time remains?

The Acting CHAIR. The gentleman from Kentucky has 3 minutes remaining, and the gentleman from California has 4½ minutes remaining.

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

Mr. Chairman, the EPA has been working on this regulation since the 1990s. Under the 1990 law, they are required to put in place a regulation to protect from these toxic pollutants.

They are required to be put into place by the year 2000. They tried, thrown it out of court, they have now tried again, and they have already proposed a rule that is now going to be repealed by this legislation. So it's taken them over a decade to finally get to this point.

It's a long, overdue rule that requires cement kilns to reduce their emissions of toxic air pollutants. EPA estimates that this rule will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels, that is, if they are allowed to remain in effect; and they also had to do a cost-benefit analysis.

They said that this rule will yield $7 to $19 in health benefits for every dollar that's spent to meet the standards and will prevent up to 2,500 premature deaths and 17,000 asthma attacks each year. So EPA has been mindful of the costs and the benefits.

The bill before us effectively vacates the cement rules, kiln rules, nullifies these health benefits, forces EPA to start all over again. They give EPA 15 months to come up with more regulation, and then they bar EPA from enforcing any final rules for at least 5 years.

During all this time—and we have no guarantee after 5 years if anything will happen—cement kilns will avoid having to clean up their toxic air pollution, maybe indefinitely. The bill threatens EPA's ability to ever reissue limits on toxic air pollution from cement kilns.

□ 1410

This bill that's before us would set a new and unworkable methodology. They're not looking at the methodology that Congress provided to at least use the maximum achievable control limits. They will simply be told they have to take a subjective approach that lumps all pollutants together, and then they have to decide whether emitting more mercury but less lead is better or worse for public health than the reverse. It's an impossible choice. It's going to guarantee years of litigation.

The bill prevents EPA from setting any emission limits at all. Under this legislation, it would require EPA to select regulatory alternatives that are the least burdensome. But the ''least burdensome'' to cement kilns does not mean that we will get the option that provides the best public health benefits. In effect, the bill would exempt cement kilns from ever having to achieve meaningful reductions in toxic air pollution.

So in other words, they postpone the time for regulation, then postpone for 5 more years compliance with that regulation. They change the standard from the maximum achievable under existing technology to something else. The something else is the least burdensome to the kilns. And during all that time, we will have people exposed to these toxic pollutants.

This strikes me as not a simple, fair-minded approach. It's turning our back on the purpose of the Clean Air Act. It's turning our back on the harm that's going to be done, especially to children, from the poisoning they'll get from the mercury levels from the cement kilns.

I think this is inexcusable legislation. I think we ought to stay with the work done by the EPA, not pass a law, tell them to do the job, and then wipe out their work after 11 years and say we want another decade or more to get around to doing regulations that should have already been in place long ago.

I want you to know that many organizations oppose this regulation. You would expect all of the public health groups and the environmental groups, but even sporting organizations and outdoor groups and the people who work in the field at the State level on air pollution matters tell us: Do not support this legislation.

I urge opposition to it, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 2681, a bill designed to prevent the collapse of a strategic domestic industry, the United States cement industry.

About a year ago, I became active on this issue and made it a priority of mine to help save the American cement industry and the hardworking Americans at work in those industries. Some have questioned my motives, and they are welcome to do that. But for me it's as simple as this: The new regulations on the cement industry is the wrong rule at the wrong time. It asks too much too soon. NESHAP is a rule based on questionable science and promises to export American jobs and, ultimately, result in the import of pollution from other countries.

The U.S. cement industry is suffering through the greatest decline since the 1930s, with current employment down to a mere 15,000 jobs and less than $6.5 billion in 2010 annual revenues. This represents a 25 percent reduction in employment and over a 35 percent reduction in revenues from prerecession levels. The cement and concrete product manufacturing sectors combined have shed more than 62,000 jobs between 2005 and 2009.

At this critical time when the cement industry can least afford significant investments from new mandates, analysts estimate this single EPA rule would cost $3.4 billion in compliance costs, representing approximately half of the cement industry's annual revenues. This is very onerous. Let us repeat, Mr. Chairman, the NESHAP rule will cost $3.4 billion compliance costs out of a $6.5 billion annual revenue. That's over 50 percent of the industry's revenues.

Now, if you own a cement plant, where is the money for compliance costs going to come from? Probably from closing down a plant, stalling plans for the construction of new plants, and laying off American workers in high-paying jobs. The average low job in this industry is around $60,000 a year, and they go up from there.

Common sense is the missing ingredient in NESHAP. In fact, at the same time that the EPA finalized the NESHAP emission standards last fall, we just saw a chart that the European Union had just issued their own compliance standards, and the EPA standards are five times more stringent than the famous model of the European Union. So what's wrong with this picture?

Speaking of common sense, if you want to remember that map that we just looked at, the map that shows you all the colors, the red part of that map represents between 80 and 100 percent of the estimated mercury deposits, and they're all from foreign sources.

So, Mr. Chairman, this is the wrong rule at the wrong time, and what we are doing here fixes this problem and gives us time to study.

Mr. TERRY. Mr. Chair. We are lucky in Nebraska.

Our unemployment rate is currently around 4.2%.

Personally, I'd like to see it be an even smaller number.

Without passage of H.R. 2681 and H.R. 2250, we will see job loss in Nebraska.

With regards to the Boiler MACT rules—Nebraska estimates a potential job loss of 921 jobs at a cost of over 57 million dollars.

With regards to the Cement MACT rules—Nebraska estimates a cost of $24–28 million to keep the approximately 135 jobs.

These bills give EPA time to reconsider and re-propose these regulations so the final rules are achievable and based on real-world technologies.

We like our low unemployment numbers in Nebraska and passing these two bills will help ensure our numbers stay low.

Mr. President, don't let the EPA kill jobs in my state.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to this legislation, which would delay for another five years Clean Air Act standards for cement kilns that are already thirteen years overdue.

Like so many other bills the current House Leadership has brought before us, this bill is premised on a fundamentally false choice—that we can't have good jobs unless we are willing to breathe dirty air. I don't believe that. And I don't think most Americans believe that. In fact, the entire forty year history of the Clean Air Act demonstrates conclusively that it just isn't true.

The Clean Air Act protections at issue in this legislation will for the first time limit mercury, arsenic, soot, hydrochloric acid and other dangerous emissions from cement kilns. The proposed reductions will prevent as many as 2500 premature deaths and 17,000 asthma attacks annually, and produce $7 to $19 in public health benefits for every $1 spent on clean-up costs. Which is why the protections have the support of reputable public health organizations like the American Lung Association, the American Public Health Association and the Asthma and Allergy Foundation of America.

Rather than undermining our nation's public health, we should be focused on enacting a real jobs agenda to put Americans back to work and accelerate our economic recovery.

I urge a no vote.

Ms. JENKINS. Mr. Chair, to spur job creation in this country, we must remove burdensome regulations stifling our job creators.

The EPA's Maximum Achievable Control Technology or MACT rule is set to crush our cement manufacturers.

Eastern Kansas has three cement manufacturers who employ thousands. I recently toured plants at Monarch Cement in Humboldt, Ashgrove Cement in Iola and LaFarge Cement in Fredonia, and heard a similar story from all three.

They have the revenue stream and the desire to hire more Kansans, but the cost of complying with Government regulations, like the cement MACT, restrict their ability to do so.

The EPA shouldn't be implementing regulations that do more economic damage than they achieve in environmental good.

I hope the EPA will take this opportunity to reform this rule and be part of the solution rather than the problem.

Let's end over regulation and get Americans back to work.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2681

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 ''Cement Sector Regulatory Relief Act of 2011''.

SEC. 2. LEGISLATIVE STAY.

(a) ESTABLISHMENT OF STANDARDS.—In place of the rules specified in subsection (b), and notwithstanding the date by which such rules would otherwise be required to be promulgated, the Administrator of the Environmental Protection Agency (in this Act referred to as the ''Administrator'') shall—

(1) propose regulations for the Portland cement manufacturing industry and Portland cement plants subject to any of the rules specified in subsection (b)—

(A) establishing maximum achievable control technology standards, performance standards, and other requirements under sections 112 and 129, as applicable, of the Clean Air Act (42 U.S.C. 7412, 7429); and

(B) identifying non-hazardous secondary materials that, when used as fuels or ingredients in combustion units of such industry and plants are solid waste under the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act'') for purposes of determining the extent to which such combustion units are required to meet the emissions standards under section 112 of the Clean Air Act (42 U.S.C. 7412) or the emission standards under section 129 of such Act (42 U.S.C. 7429); and

(2) finalize the regulations on the date that is 15 months after the date of the enactment of this Act.

(b) STAY OF EARLIER RULES.—

(1) The following rule is of no force or effect, shall be treated as though such rule had never taken effect, and shall be replaced as described in subsection (a): ''National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry and Standards of Performance for Portland Cement Plants'', published at 75 Fed. Reg. 54970 (September 9, 2010).

(2) The following rules are of no force or effect, shall be treated as though such rules had never taken effect, and shall be replaced as described in subsection (a), insofar as such rules are applicable to the Portland cement manufacturing industry and Portland cement plants:

(A) ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 76 Fed. Reg. 15704 (March 21, 2011).

(B) ''Identification of Non-Hazardous Secondary Materials That Are Solid Waste'', published at 76 Fed. Reg. 15456 (March 21, 2011).

SEC. 3. COMPLIANCE DATES.

(a) ESTABLISHMENT OF COMPLIANCE DATES.—For each regulation promulgated pursuant to section 2, the Administrator—

(1) shall establish a date for compliance with standards and requirements under such regulation that is, notwithstanding any other provision of law, not earlier than 5 years after the effective date of the regulation; and

(2) in proposing a date for such compliance, shall take into consideration—

(A) the costs of achieving emissions reductions;

(B) any non-air quality health and environmental impact and energy requirements of the standards and requirements;

(C) the feasibility of implementing the standards and requirements, including the time needed to—

(i) obtain necessary permit approvals; and

(ii) procure, install, and test control equipment;

(D) the availability of equipment, suppliers, and labor, given the requirements of the regulation and other proposed or finalized regulations of the Environmental Protection Agency; and

(E) potential net employment impacts.

(b) NEW SOURCES.—The date on which the Administrator proposes a regulation pursuant to section 2(a)(1) establishing an emission standard under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429) shall be treated as the date on which the Administrator first proposes such a regulation for purposes of applying the definition of a new source under section 112(a)(4) of such Act (42 U.S.C. 7412(a)(4)) or the definition of a new solid waste incineration unit under section 129(g)(2) of such Act (42 U.S.C. 7429(g)(2)).

(c) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to restrict or otherwise affect the provisions of paragraphs (3)(B) and (4) of section 112(i) of the Clean Air Act (42 U.S.C. 7412(i)).

SEC. 4. ENERGY RECOVERY AND CONSERVATION.

Notwithstanding any other provision of law, and to ensure the recovery and conservation of energy consistent with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.; commonly referred to as the ''Resource Conservation and Recovery Act''), in promulgating rules under section 2(a) addressing the subject matter of the rules specified in section 2(b)(2), the Administrator—

(1) shall adopt the definitions of the terms ''commercial and industrial solid waste incineration unit'', ''commercial and industrial waste'', and ''contained gaseous material'' in the rule entitled ''Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units'', published at 65 Fed. Reg. 75338 (December 1, 2000); and

(2) shall identify non-hazardous secondary material to be solid waste only if—

(A) the material meets such definition of commercial and industrial waste; or

(B) if the material is a gas, it meets such definition of contained gaseous material.

SEC. 5. OTHER PROVISIONS.

(a) ESTABLISHMENT OF STANDARDS ACHIEVABLE IN PRACTICE.—In promulgating rules under section 2(a), the Administrator shall ensure that emissions standards for existing and new sources established under section 112 or 129 of the Clean Air Act (42 U.S.C. 7412, 7429), as applicable, can be met under actual operating conditions consistently and concurrently with emission standards for all other air pollutants regulated by the rule for the source category, taking into account variability in actual source performance, source design, fuels, inputs, controls, ability to measure the pollutant emissions, and operating conditions.

(b) REGULATORY ALTERNATIVES.—For each regulation promulgated pursuant to section 2(a), from among the range of regulatory alternatives authorized under the Clean Air Act (42 U.S.C. 7401 et seq.) including work practice standards under section 112(h) of such Act (42 U.S.C. 7412(h)), the Administrator shall impose the least burdensome, consistent with the purposes of such Act and Executive Order 13563 published at 76 Fed. Reg. 3821 (January 21, 2011).

The Acting CHAIR. No amendment to the committee amendment in the nature of a substitute shall be in order except those received for printing in the portion of the CONGRESSIONAL RECORD designated for that purpose in a daily issue dated October 4, 2011, or earlier and except pro forma amendments for the purpose of debate. Each amendment so received may be offered only by a Member who caused it to be printed or a designee and shall be considered as read if printed.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FOR INFANTS AND CHILDREN.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children.

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

Mr. WAXMAN. Mr. Chairman and my colleagues, chronic exposure to carcinogens, neurotoxins, and other dangerous chemicals can take a terrible toll on people's health, particularly in communities that live in the shadows of major sources of pollution. I have next to me here a diagram, a picture of cement kilns next to an elementary school.

Everyone in this Chamber probably knows someone who's been stricken by cancer or who has a child with a learning disability or birth defect. Environmental pollution does not cause all cancers or every health problem, but numerous peer-reviewed scientific studies tell us that chemicals classified as carcinogens cause cancers, and those cancers sicken and kill real people.

Chemicals classified as neurotoxins damage the nerve system. They pose a particular threat to infants and developing brains. These effects are significant, tragic, and avoidable. That's why Republicans and Democrats together voted in 1990 to strengthen the Clean Air Act to require dozens of industry sectors to step up and install modern pollution controls on their facilities.

The American people were tired of having their communities harmed by toxic air pollution. They didn't want to live in fear that the factory down the road would give their children cancer or damage their baby's brain. We made a promise to the American people that EPA would require polluters to cut their emissions of mercury, lead, dioxins, and other air pollutants linked to serious health effects.

The Clean Air Amendments of 1990 set up an effective program to reduce toxic air pollution. It would achieve cost effective pollution reductions by simply requiring facilities to use pollution controls that others in their industry were already using.

Since 1990, EPA has set these emission standards for more than 100 different categories of industrial sources. They've reduced emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

□ 1420

But today, this Chamber is seriously proposing to just let these cement kilns pollute our communities with impunity. Cement kilns are one of the largest sources of mercury pollution. For far too long, they were allowed to pollute without installing modern technology to reduce their emissions. In August of last year, EPA finally issued standards they've been working on since the late 1990s. EPA estimated these rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. The rules would also cut emissions of hydrocarbons by 83 percent and particulate matter by 92 percent.

But the bill that's before us would nullify those rules, and they would force EPA to start all over again with another rulemaking, using new and unworkable criteria. These long overdue public health protections will be delayed, at a minimum, for 6 more years and maybe forever.

And the bill doesn't just delay. By changing the approach adopted in 1990, it threatens EPA's very ability to issue replacement standards for cement kilns that will achieve any meaningful reductions in mercury pollution.

EPA testified before our committee, and they said that this legislation would create new legal ambiguities that would tie up the new rule in litigation for years. Other clean air lawyers testified this bill would eviscerate the ability of the law to control air toxics for cement kilns.

But the Republicans have charged forward in what amounts to legislative negligence. And they say reassuring things like, this is a commonsense, minor approach delaying it for a little while. Well, we cannot afford additional delays. We cannot afford to lose these protections altogether. All across America, communities are living in the shadow of these plants. And I again refer you to this picture. These are plants next door to an elementary school, and nearby these kids and their families live. And the closer you live, the more exposed you are. All of these people who live near these facilities are running a very high risk for dreaded diseases.

Mercury is a potent neurotoxin. Reams of scientific studies show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak. Children will never reach their full potential.

That is why I ask that we support this amendment that says, in effect, let's not wait any longer when it comes to something that deals with poisoning our kids from mercury.

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

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to this amendment for the simple reason that in 1999, EPA issued a rule for cement plants in which it regulated emissions from cement plants. All of us are very much aware of the health hazards of certain emissions. And that's why we support the ruling of the EPA in 1999.

Now, in 2006, EPA came back with a new cement rule. But the environmental groups challenged that in court. And so as a result of that challenge, EPA went back, and they came out with the new Cement MACT rules that are the subject of our legislation today. And as we said during the general debate, the economy is unusually weak today, our unemployment is high today, and we think we need a more balanced approach than what EPA came out with in its most recent cement rule, which is in effect, but compliance is not expected until 2013.

So we simply are staying that rule with this legislation asking EPA to come out with a new Cement MACT within 15 months after passage of our legislation and then give industry 5 years to comply, and longer, if the EPA administrator decides to do that. Now, looking at the history of this administrator, I can't conceive that she would be willing to give them any more than that 5 years, but that would be her choice.

So I would urge the Members to oppose this amendment because we already have some basic protections in there. We have the 1999 rule that is in effect if we are successful in passing this legislation that would negate the most recent Cement MACT rule. And as I said before, we hear today from businesses all over the country who are talking about the uncertainty—particularly because of the excess of regulations coming out from EPA—not knowing what standards are required, and in many instances not even having technology that's available to meet the standards.

So I think our H.R. 2681 is a reasonable approach: Ask EPA to step back, propose a new rule, do it within 15 months and give the industry 5 years. And for that reason, I would reiterate all of us have the same concerns that the gentleman from California has. I do not believe that his amendment is necessary, and I would urge all of our Members to oppose his amendment.

I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I move to strike the last word.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I rise in support of the Waxman amendment, and without the amendment I rise in opposition to H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

As we all know, cement plants are one of the primary sources of mercury pollution in the U.S. In my State of Texas alone, there are 10 cement plants which emitted 225 pounds of mercury in 2009 alone. It takes only one-seventieth of a teaspoon of mercury to contaminate a 25-acre lake and render the fish unsafe to eat. And children are the most vulnerable.

Mercury exposure impairs a child's ability to learn, write, walk, talk, and read. As a registered nurse, I have seen firsthand how children are particularly sensitive to emissions of mercury and other air toxins. As a mother and a grandmother, I cannot stand by and watch these emissions go unchecked.

I have always been a strong and proud defender of EPA's charge to protect public health and the environment. In 2009, I led a letter to EPA Administrator Lisa Jackson calling for even stronger emissions standards to reduce mercury pollution. Last year, I was pleased to see that EPA finalized standards for cement plant emissions that will reduce mercury and particulate matter pollution by over 90 percent, resulting in health savings of up to $18 billion each year.

Despite all the talk that we have heard in recent months, EPA regulations do not kill jobs. As the ranking member of the Science, Space, and Technology Committee, I know that our Nation's scientific, entrepreneurial, and industrial sectors have and will innovate to meet new standards as they always have. We will reduce air pollution in this country while creating thousands of jobs.

The predictions of widespread economic disruption and collapse of our industrial sector because of what some have called the overreaching Clean Air Act have been proven wrong time and again. We should expect that today's hysteria is no different.

Therefore, I stand with the citizens of Texas and impacted communities across the Nation in opposing this bill and not with the big polluters. Congress passed the Clean Air Act 40 years ago, and we have cleaner air today because of it. But we can always do better. And that is why we must support the purpose and the mission of the EPA and oppose this bill without this amendment. We are not here to kill jobs, but we are here to save lives.

□ 1430

Mr. CARTER. Mr. Chairman, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, I rise in opposition to this amendment.

I listened to Mr. WAXMAN's argument, and I looked at his amendment. And this amendment targets a specific health issue: brain development and learning disabilities in infant children. We believe the EPA should consider all public health risks.

Mr. WAXMAN raised the issue of accusing the Republicans of, as he said, ''legislative negligence.'' I'm sure it was not legislative negligence on the part of Mr. WAXMAN when he failed to include cancer in this bill even though in his argument to this august body he certainly argued that this amendment would help with cancer.

The truth is this amendment addresses one public health issue, the disability of children, and it addresses it as it relates to mercury. And we've heard arguments in this Chamber about mercury, but we've also seen the air studies that have been done by the electric industry in which they tell us that, at least west of the Mississippi, somewhere between 80 percent and 100 percent of all the mercury pollution in that area comes from outside the United States.

Where outside the United States is fairly obvious, China and India, which have the largest amount of Portland cement manufacturing in the world, also the least amount of protection of the air quality. They are polluting somewhere between 80 and 100 percent of mercury, which is what, according to the argument from the other side, is the issue here. It is not cancer, and this does not address cancer. It is harming the brain development of infant children—mercury.

So if almost 100 percent of it is west of the Mississippi, then more than half the country is polluted from outside this country. And yet we would shut down factories and force them to move to places like China and India—where there is no protection for the health of anybody on this globe—so that they can stay in business because we have adopted a 1 percent standard rather than the 5 percent standard from our so-called ''model'' of the future, the European Union. Now, I think that we need to question this amendment.

I oppose this amendment, and I yield back the balance of my time.

Ms. LEE of California. Mr. Chairman, I move to strike the last word.

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

Ms. LEE of California. I rise in strong support of this amendment. However, the underlying bill actually nullifies the EPA's rules to require cement kilns to reduce their emissions of toxic mercury and other toxic pollutants and forces EPA to go back to square one. In doing so, this bill nullifies the rule's promised reductions in mercury pollution from cement kilns, delays any potential future reductions, and threatens EPA's ability to issue replacement standards that will achieve the same benefit for public health.

Mercury is a potent neurotoxin. Babies born to women exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. This is certainly an important issue for Democrats and Republicans to support.

In 1990, Congress amended the Clean Air Act on a bipartisan basis to reduce emissions of mercury and other toxic pollutants from a range of industrial sources, including cement kilns. Cement kilns are one of the largest sources of airborne mercury pollution in the United States. For far too long, they have been allowed to pollute without installing modern technology to reduce their emissions of mercury and other toxic chemicals. The Clean Air Act directed EPA to issue standards to cut emissions of mercury and other toxic pollutants from cement kilns by 2000. That was a decade ago. EPA didn't finalize these rules until August of last year.

EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels. Now the Republican leadership wants to nullify these rules to cut mercury pollution and delay these important public health protections. Further delay is unacceptable for the people who have been waiting for these cement kilns to clean up for years.

This amendment is straightforward. It states that the bill does not stop EPA from taking action to clean up toxic air pollution from a cement kiln if that kiln is emitting mercury or other toxic pollutants that are damaging babies' developing brains.

The Republicans deny that this bill is an attack on the Clean Air Act or public health. They argue that this bill won't prevent EPA from reducing toxic mercury pollution from cement kilns. I strongly disagree. And these statements stand in stark contrast to the body of science linking mercury exposure to neurological problems.

And I have to say, instead of working to create jobs, Republicans are bringing up another assault on our public health and the Clean Air Act. We should be passing the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible. But instead of focusing on jobs, the GOP wants to eliminate and delay Clean Air Act regulations. This will jeopardize our public health and the clean air that we breathe.

This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. This regulation also will provide up to $19 million in public health benefits for every dollar spent on reducing harmful air pollution. So we have to support the amendments that are going to protect the public health of our people.

I urge support of the Waxman amendment, and all of the amendments that are coming today, for the sake of the public health of Americans.

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

Mr. HUIZENGA of Michigan. Mr. Chairman, I move to strike the last word.

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

Mr. HUIZENGA of Michigan. Mr. Chairman, we're talking about common sense. Unfortunately, I don't think we're hearing much of that coming out of the other side because they're talking out of both sides of their mouth here. How in the world does a 20 percent reduction in the number of cement plants in the United States, out of the 100 that we have, how

does that 20 percent loss, or estimation of 18 to 20 cement plants, equal more jobs? I'm a little lost. I know I'm a freshman here, but I'm lost as to how, when we're shutting down businesses, that equals more jobs.

I'm also curious about how in the world we can call this a Maximum Achievable Control Technology when people in the industry and people outside the industry say it's not achievable. We might as well call it the ''maximum dreamed-up control technology.'' We've got to introduce some common sense to this.

Now, we can solve all of our pollution issues coming out of cement plants by shutting every single one of them down. We can shut every single one of those 100 plants down here in the United States. I do not think that India is going to shut theirs down. I don't think China is going to be shutting theirs down. I know Indonesia is not going to be shutting theirs down. I'm betting our friends and neighbors in Canada aren't going to be shutting theirs down.

So we can shut down every single cement plant. That's not going to solve our problems, though, because we have to keep going further. We've got to shut down every power plant. We've got to stop driving every car, every bus, every train. We might as well ban campfires, grilled foods—and cancel Christmas while we're at it. There has got to be some common sense involved here.

Ontario tried this a few years ago when they were going to shut down all of their coal-fired power plants. Their goal: get rid of them all. The outcome: not a single one—zero—was shut down because they know that it wasn't possible. And we're seeing here a proposed regulation that is five times more stringent than what our friends in the European Union are talking about, and in Canada: five times more stringent. How is that going to make the United States more competitive, and how is that going to retain jobs here?

Mr. Chairman, we have got to make sure that, instead of using the ''maximum dreamed-up control technology,'' we actually use the Maximum Achievable Control Technology. And that is what we have today.

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

Mr. RUSH. Mr. Chairman, I move to strike the last word.

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

Mr. RUSH. Mr. Chairman, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I do want to respond to the gentleman who just spoke about how they're going to shut down these plants. Why do they have to shut down the plants? If they have to put in a control technology that's already being used somewhere else in the country to reduce that mercury pollution, that other cancer-causing pollution, they put the equipment in. They pay for it.

Now, cement kilns are having financial problems, not because of these regulations, but because of the low demand for cement. The industry admits this on their Web site, and they have a problem. But we are telling them that when the economy starts picking up, they'll get a greater demand. But we also want to make sure that they put in the control technology. They don't have to close just simply to do that.

□ 1440

Mr. RUSH. Mr. Chairman, the gentleman prior to me asked, where is the common sense?

Well, common sense begins with science, and the science is clear. I want to let the gentleman know that all sense is not common sense. In this instance, common sense begins with the science, and the science is absolutely clear that EPA must be able to reduce toxic pollution from the cement manufacturing process.

Cement kilns across the U.S. produce more toxic air pollutants, including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the nation's problems with soot and smog. Cement kilns are the third-largest source of mercury emissions in the U.S.

Toxic air pollutants can cause cancer, impair brain development and the ability to learn, damage the eyes, skin, and breathing passages, harm the kidneys, harm the lungs, harm the nervous system, and cause pulmonary and cardiovascular disease and premature death.

Cleaning up cement kilns saves lives and protects children from hazardous air pollutants. EPA estimates that reducing toxic pollution from cement kilns can save up to 2,500 lives each year by 2013. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks, over 1,700 hospital and emergency room visits, and 130,000 missed days of work.

The most vulnerable populations depend on the EPA to protect them from the harmful health effects of cement kiln pollution. Children, teens, senior citizens, and people who exercise or work outdoors or with chronic lung diseases such as asthma, COPD, emphysema, these are the children and the people who are most in danger.

People with low incomes or who are members of racial and ethnic minorities are disproportionately affected by air pollution, in part, because they tend to live closer to industrial facilities such as cement kilns.

Mercury is a potent neurotoxin. Reams of scientific studies, common sense studies, show that babies and children who are exposed to mercury may suffer damage to their developing nervous systems, hurting their ability to think, learn, and speak.

Children exposed to mercury may never ever reach their full potential. The National Academy of Sciences estimates that each year about 60,000 American children are born right here in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury in utero.

The Waxman amendment is straightforward. It is common sense. It states that the EPA can continue to require a cement kiln to clean up toxic air pollution if that kiln is emitting mercury or other toxic pollutants that are causing damage to infants' developing brains.

This amendment simplifies our choice. Allow polluters to continue to harm children, to harm infants, or require facilities that are actually harming our kids to reduce their pollution. It's not too much to ask, and I ask the Members to support the Waxman amendment.

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

Mr. FLORES. Mr. Chairman, I move to strike the last word.

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

Mr. FLORES. Mr. Chairman, job creators across a wide range of industry have sent urgent calls to Washington pleading for Congress to remove burdensome regulations that could destroy hundreds of thousands of jobs nationwide.

Yesterday, I had the opportunity to meet with two of America's job creators, Karl Watson from Houston, Texas, who represents CEMEX, a global leader in the building materials industry, and Brad Slabaugh of Hilltop Basic Resources, a small building materials and ready-mixed concrete producer from Ohio.

While these job creators may hail from different regions of the country, and one employs thousands of workers, versus the one that employs several hundred middle class Americans, they both face the same challenges under the Obama administration's oppressive regulatory regime. That is why Mr. Watson and Mr. Slabaugh came to Washington this week, to discuss their real world examples of how the Obama administration burdensome regulatory policy is devastating to the concrete production industry and to virtually all American employers and job creators. The worst offender that is inflicting this regulatory flaw under the Obama administration is the Environmental Protection Agency.

This week the House is tackling some of the most economically dangerous regulations that the EPA has imposed on our Nation's creators, Boiler MACT and Cement MACT. These unwarranted and indefensible regulations are costing hundreds of thousands of much-needed American jobs at a time when unemployment stands at 9.1 percent and families and small businesses are struggling to stay afloat.

Worse yet, both appear to be based upon ideology versus sound science and real word cost-benefit analyses. Both the Boiler MACT and Cement MACT could have a combined economic impact of more than 230,000 existing American jobs lost and $14.4 billion in

projected compliance, according to the Council on Industrial Boilers.

In my home State of Texas, which is home to 27 boiler facilities, the economic impact of the Boiler MACT rule on boiler and process heater owners and operators is well over $200 million, putting thousands of good-paying jobs at risk, and opening the door to further burdens, not only for large industrial boilers, but also important institutions such as hospitals and universities.

This additional regulatory damage comes within 2 weeks of a large Texas power producer that has announced, due to the EPA's Cross State Air Pollution Rule, it will cause the loss of 500 middle class American jobs and the closure of five job sites in Texas.

The Cement MACT regulations that CEMEX and Hilltop face are some of the harshest of seven proposed or recently finalized EPA regulations targeting an already weakened cement industry. The Portland Cement Association estimates that the Cement MACT would force the shutdown of up to 20 percent of the Nation's 100 existing cement plants, and that does not include the seven plants that have already announced, due to economic or other reasons, that they have faced permanent closure since 2008.

Both CEMEX and Hilltop are experiencing depressed volume levels and are having to shed middle class jobs as they respond to increasing economic uncertainty being generated by unelected, unaccountable Washington bureaucrats. If the commonsense relief that we are currently considering does not pass, these companies will face the shutdown of up to 20 percent of their operations. Such a decrease in production capacity of the cement industry would have a ripple impact across the economy, impacting not only cement manufacturing jobs, but also industries that rely heavily on them, such as construction and building.

Worse yet, for all Americans, these jobs and plants will be relocated to foreign countries, further damaging America's already declining industrial base and middle class job opportunities. The bipartisan legislation coming to the floor today will provide the EPA with at least 15 months to re-propose and finalize new rules regarding the economically dangerous Boiler MACT and Cement MACT.

Without this commonsense regulatory relief, the EPA's current rules endanger hundreds of thousands of American middle class jobs nationwide by forcing plant shutdowns and relocation of American manufacturing and jobs to foreign countries.

Congress and this administration can and should encourage private sector job growth in this country, not hinder it with unreasonable regulations.

I urge my colleagues on both sides of the aisle and the Obama administration to join me in removing barriers to job creation and support both H.R. 2250, the EPA Regulatory Relief Act of 2011, and H.R. 2681, the Cement Sector Regulatory Relief Act of 2011.

□ 1450

Mr. RANGEL. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. RANGEL. I rise in support of the Waxman amendment. As long as Mr. WAXMAN has been in the Congress, he should know that recently a new group has arrived here, and there are three things that you shouldn't do, and that is ask for anything that might be good for the President of the United States, ask for anything that could improve the environment of the people that breathe the air, and for God's sake don't ask them to bring up any bills that could create jobs.

Having said that, it just seems to me that we're involved in a political fight that concerns Democrats and Republicans and others; and yet you would think if you listened to the debate that the air in which we breathe, there's a Democratic area and there's a Republican area, or when you start talking about this is saving lives through providing an opportunity for our youngsters to be able to grow up in a healthy environment that we're just talking about Democratic babies. What we're talking about—pardon the word ''scientific''—is a connection between pollution of the air and how people breathe it and what happens to their general health.

I don't really believe that anyone challenges the fact that whether it happens on a 9/11 site or on a coal mine that what you breathe is going to have an impact and if indeed it leads to illnesses, that's going to be very costly. And so it just seems to me that if we concentrate on what can we do, I know there are people who don't like the President, but there are millions of people that go to sleep every night wondering what the heck are we doing in the Congress, and it just seems so unfair for us to go back and say, we cannot bring out a bill that the President proposed that's going to create jobs.

It would be different if we said we're going to bring it out, and we're not going to vote for it; or we're not going to bring it out because we have our own bill. It just seems to me that very few Americans are going to sleep at night wondering what happens at cement factories throughout the United States. Maybe those from Texas or those that have one or two in their districts might have some concern as to whether it would cost their employers and businesspeople in order to clean the air, but that's a constant problem we always have when it costs a little extra to do the right thing to extend the value and, indeed, the condition of life.

But to get back to jobs, there's something going on in America; and I don't know whether or not it reaches the floor, since the best place to find out what's going on in the country is right here, as we come from 435 different areas and we come to tell what's happening.

In New York, people are mad as hell. They're not going to take it anymore. They're not against Democrats; they're not against Republicans. They just don't see why they have to suffer the way they do after some of them have lost their ability to go to school, have lost their jobs, have lost their savings, have no idea what the future looks like for them, and we're not even giving them hope.

Hope has made our middle class, not the rich that control most of the Nation's wealth, and certainly not the poor that people all over the world would like to escape. But when you see the hope for the middle class just dropping and squeezing and pushing people into poverty, it seems to me that we have a higher responsibility than that.

Often I ask for our spiritual leaders to help us, because, hey, it's right over the Speaker: ''In God We Trust.'' That means that we don't have to trust each other, but maybe if some of the rabbis, ministers, and Catholics could come down and try to get our priorities in order, because if you're talking about human life, that includes the ability to have health care, to have a healthy environment in terms of housing, and I think we do have a moral obligation not only to get ready for the polls in 2012 but to do something for the people who are so completely helpless now.

I would like to emphasize that there's no way to split up the jobs with Democrats or Republicans, and so we are not being fair to the Republicans or that the cement is going to hurt us and not you. These things are so nonpolitical that I just hope that someday, and someday very, very soon, we will respond to the frustrated people we have, even the wealthy, and come up with something on the floor that whether we win or lose, we can be so very proud that we're doing something to improve the economy, put America back to work, have things once again made in America.

I want to thank the gentleman from California for at least directing us to the right track, and I yield back the balance of my time.

Mr. KINZINGER of Illinois. Mr. Chairman, I move to strike the last word.

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

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman.

I was proud to work with my colleagues on the committee in developing the Cement Regulatory Relief Act.

Let's just take a quick gander at what's happened here. Last September, the EPA released new regulations—that's kind of a theme we've been hearing a lot lately—new regulations on the American cement industry. These new requirements will cost $3.4 billion, it will close 18 of America's 100 cement plants, and leave 20,000 more Americans without jobs. In my district alone,

the 11th Congressional District in Illinois, 155 companies use that cement daily.

This is the same story, but just a little bit of a different subject: the same story of over-regulation, more government, more rules, more paperwork, more disclaimers, more everything that people are sick of in Washington, D.C. This is just more of it. This is typical of over-regulation. Somebody comes up with an idea and says, what's the sane thing to do here, or what can we do that will way overstep the role of the Federal Government? Well, that's exactly what came down within the rules.

All we want to do is give a little more time for the cement industry, instead of saying, well, this is catching us flatfooted again, 18 of our plants are going to close, we're looking at this and saying, how can we keep these open and create jobs? There's been a lot of talk in this body, as there should be, about creating jobs, about the economy. Look, I'm 100 percent in. We want to create jobs, and so some of the things we see are, well, we need to spend additional Federal Government money, the size of what we'll call stimulus 2.

I tell you what we need to do. The very first step to creating jobs in this country is to stop killing them. That would be a great move in the right direction. If we stop killing jobs, then we can regroup and say, now how can jobs be created in the private sector? Yet we continue on and on with more and more regulation. We now hear the industry saying, look, this is going to cost 20,000 jobs. It's your prerogative out of Washington, but this is going to cost us 20,000 jobs. This is typical Federal Government over-regulation.

We have a responsibility here to do the right thing. We have a responsibility to do the economically and environmentally sound thing. When this rule goes into effect, the same amount of cement is going to be needed, so it's not like we're closing 18 of 100 plants and we're going to use 18 of 100 plants' less worth of cement.

We're still going to need to use that cement. Right? In fact, in the stimulus 2, they talk about the fact of spending more on cement. Well, then, okay. So what happens is these plants close, and we have to buy that cement from China. This is a great bill, and not the one where we're talking about saving jobs here, but if these rules go into effect, that will be great for creating jobs in China, and China has zero environmental constraints like we have here in the United States.

So what's the environmentally right thing to do? Keep these jobs in the United States, where there are good environmental regulations in place, take a look at what we need to do, but not send them over to a country that all they care about is pumping out cement, and they care nothing about the environment. That's the responsible thing to do. This bill simply gives regulators the time to develop practical rules for cement manufacturing facilities, and it's going to protect jobs in the manufacturing industry, the construction industry, and all those areas, these jobs which are otherwise going to be sent overseas.

Look, enough is enough. I mean, really, enough is enough. I urge my colleagues on both sides of the aisle, please just support this. This doesn't have to be a partisan thing. This is just for America. How are we going to create and save American jobs so that the families who every day wake up and say, I wonder if I can pay my bills next week, I wonder if I can make my house payment, I wonder if I can make my car payment, I wonder if I can send my kids to college.

Some of those people that have those pains and wonder that every day work in the cement industry; and if these rules come into effect, that horror that they are predicting may happen, that they'll lose their job, will happen for 20,000 members and 20,000 citizens of the United States. I call for an end to the madness. Let's be sane about this. Let's finally, once and for all, save American jobs and then create them and do what we have to do to get this economy back to work.

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

□ 1500

Mr. CLAY. Mr. Chairman, I move to strike the last word.

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

Mr. CLAY. I rise today in support of the Waxman amendment as well as of the subsequent amendments to come, especially the Capps amendment.

Mr. Chairman, we in Congress need to be working to create jobs. Instead of doing anything that would create jobs, my colleagues on the other side of the aisle are making yet another assault on our public health and the Clean Air Act in the form of H.R. 2681. We should pass the President's American Jobs Act and other pieces of emergency jobs legislation that create jobs as soon as possible.

As my friend the President said, ''Pass the bill. Pass the bill.'' Then we will create jobs.

Unemployed Americans need emergency jobs legislation now, not an ideological attack on public health. Instead of focusing on jobs, Republicans want to eliminate or delay reasonable Clean Air Act regulations. This will jeopardize our public health and the clean air that we all breathe—regardless of party affiliation. This clean air regulation will reduce toxic pollutants produced by cement plants and will prevent 2,500 premature deaths every year. It will also be very cost-effective. This regulation provides up to $19 in public health benefits for every dollar spent on reducing harmful air pollution.

I represent the State of Missouri, the St. Louis metropolitan region. Less than 100 miles south of the St. Louis metropolitan area, we have the largest cement kiln in the country. The people that I represent in the St. Louis region suffer disproportionately from pollutants in the atmosphere, pollutants that come from that nearby cement kiln, as well as from other pollutants that are emitted through smokestacks in the region. Children in my district suffer from a high incidence of asthma as well as from other respiratory diseases.

Mr. Chairman, let me make it rather personal. Shortly after my youngest son was born, he contracted asthma. It is no mere coincidence, as we were so close to a cement kiln, that he, as well as thousands of other children in the St. Louis region, suffer disproportionately from asthma attacks and respiratory diseases that are unnecessary.

The Clean Air Act is a commonsense approach, a balance, in order to allow for industry to do its work and create jobs and to also protect those children and others who live in the St. Louis region who have to breathe this air. The Clean Air Act is a commonsense approach, and it does not deserve to be attacked.

I urge my colleagues to pass the Waxman amendment as well as the Capps amendment.

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

Ms. CHU. Mr. Chairman, I move to strike the last word.

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

Ms. CHU. I rise today in strong opposition to H.R. 2681 and H.R. 2250.

Some in Congress want to use the jobs crisis as an excuse to roll back clean air protections that will prevent 9,000 premature deaths every year. Today, we are debating an unnecessary, wasteful bill that only delays long overdue pollution-reducing regulations at the expense of Americans' health. This is one of the Republicans' so-called ''jobs bills,'' conducting redundant and costly studies that will do nothing but add paper to landfills instead of creating jobs by upgrading cement kilns so that they are no longer a threat to public health.

These studies have been done. Americans are still breathing mercury, arsenic, and lead; but we have a means to clean it up. It's called the Clean Air Act, and it was passed in 1963. It is known as one of the most successful pieces of legislation in congressional history; yet the Republican majority is trying to gut it over and over, bill after bill, wasting time and energy that could be spent passing legislation that would help create new jobs for Americans. Today's bill would cancel requirements to clean up toxic air pollution, smog, and soot from cement plants.

So, while big companies save a penny or two, American families will face billions of dollars in increased health costs. Thousands more people will go to hospitals with cases of bronchitis, heart attacks, asthma attacks, and

thousands more will die prematurely. These pollutants are also neurotoxins, causing major harm to the development of unborn babies, infants, and children.

While the majority claims that eliminating this antipollution rule for the cement industry will be good for business and the economy, the EPA rule institutes new standards based on the best available technology already in use in the industry. Let me repeat that. This rule that the Republicans are trying to weaken is based on the best available technology already in use voluntarily by a good portion of the companies in the industry.

What does that mean? These antipollution standards are actually achievable today, and companies are already using them and making a profit.

So today's bill is just another in a long string of anti-environment/anti-health attacks that look out for corporate interests over the best interests of American families. We cannot afford to give polluters a free pass to spew deadly, toxic air pollution that hurts our health and puts our children at risk. No matter what anyone says, increased pollution is not a sustainable path to job creation. Instead, we should be saving lives, saving our environment, and investing in the clean-tech jobs of the future.

I urge my colleagues to oppose this bill and the anti-environment/anti-American health bill that is up for a vote tomorrow.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MR. RUSH

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of section 5, add the following:

(c) RULE OF CONSTRUCTION.—This section is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (42 U.S.C. 7412, 7429).

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

Mr. RUSH. Mr. Chairman, this atrocious bill, H.R. 2681, will make permanent changes to the Clean Air Act by weakening health- and science-based standards.

Cement kilns are a major source of mercury pollution as well as of other toxic air pollution. However, until last year, these plants had managed to avoid any sort of requirement to reduce these emissions. Last year, the EPA finally finalized requirements for cement kilns to use readily available technology to cut their pollution. This bill that is before us today will now nullify the new health standards and direct the EPA to go back to the drawing board.

Mr. Chairman, my Republican colleagues would like to frame this as a debate between jobs and public health benefits, but I believe that this is, indeed, a false choice.

□ 1510

I am for jobs. The people in my district need jobs, but also we need clean air in order to be alive to get to those jobs and to work those jobs.

We know that since the inception of the Clean Air Act opponents of this law have been exaggerating the costs of implementing the regulations associated with the act while at the same time downplaying the benefits that the new rules have brought.

H.R. 2681, the bill before us, does not take into account the positive impacts on the economy and jobs that EPA regulations will have by spurring additional research and development of cleaner technologies and by making these same plants more efficient.

In a recent Washington Post article, the economist Steven Pearlstein takes issue with the Republican analysis of regulatory costs in an article aptly entitled, ''The magical world of voodoo 'economists.' ''

Mr. Pearlstein correctly notes that these EPA rules spur the creation of innovative new technologies that will not only control pollution but also create new jobs to install the emissions-control equipment.

Supporters of this bill, Mr. Chairman, will also argue that it will provide certainty to industry when, in fact, this bill as currently drafted does precisely the opposite.

As written, section 5 of H.R. 2681 will raise legal uncertainty and ambiguity by requiring the EPA to select the ''least burdensome'' regulatory alternative even if a stronger standard is feasible and would provide more public health benefits.

However, under current law, plant owners already have the flexibility to select an appropriate combination of controls to comply based on the practices of the cleanest and most efficient plants that are operating today.

The Clean Air Act requires that the EPA set toxic air pollution standards for cement kilns based on numeric emission levels that cleaner facilities are actually achieving right here, right now, today in this world, the real world.

Pollution control technologies that meet the requirements are commercially available and, in fact, many plants in this Nation have already installed modern pollution control technology, even as you argue for this bill and against my amendment.

Mr. Chairman, even for policymakers that are responsible for enacting this legislation, the language in section 5 is ambiguous and vague.

I ask, Mr. Chairman, that my colleagues support this amendment.

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

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to the amendment by my friend, the gentleman from Illinois.

As I sit here and listen to the other side, they seem to be making the argument that if you pass regulations, then you are going to create jobs. It reminds me of what you hear in China and Russia, with more government intervention, more government regulations. Our friends on the other side of the aisle say that's creating new jobs. Yet on this regulation, we have had hearing after hearing after hearing in which people in the business come to Congress and say we don't know that we can meet these standards in the timeframe necessary.

We heard today, one cement kiln in Oregon has already spent $20 million and still cannot meet the requirements of this regulation, and they have said they are going to have to close down. We have heard testimony that of 100 cement plants in America, 18 percent of them are going to have to shut down. So how do you create jobs by issuing regulations that make people close plants and lose jobs?

Now, I understand that we have a balance that we are trying to reach here, and that's the purpose of this legislation. We want to protect health. And, by the way, EPA in 1999 issued a cement regulation. And between 1999 and 2005, mercury emissions decreased by 58 percent during that time period. In 2006 they came out with a new regulation, and certain environmental groups didn't like it; so they filed a lawsuit. So as a result of that lawsuit, EPA had to come out with another regulation.

So our legislation today is simply staying the most recent regulation. As I said, they issued the regulation in 2006, environmentalists filed lawsuits, and EPA had to come back and issue a new regulation. Our legislation, because of testimony that is indisputable, that plants are going to close and jobs will be lost, simply asks EPA to go back and, within 15 months after the legislation is passed, come out with a new regulation and give the industry 5 years to comply. And if the administrator of the EPA wants to give them longer than that to comply, she may. Of course we don't expect that she would do that.

But we have heard about mercury today, for example. EPA in its own estimates said that the Cement MACT

that they've issued would reduce mercury emissions by less than one-fourth of 1 percent of global emissions. In fact, it is so small that they did not even give a dollar value of benefits to the reduction of mercury emission by their regulation.

So mercury, we know, is emitted naturally. It's also emitted globally. In fact, the Department of Energy said that 11 million pounds of mercury was emitted globally in 2005 from both natural and human resources. So this regulation that we are trying to delay is not going to have any impact on reducing mercury emissions by any significant amount.

Now, we have heard a lot about why don't you pass the Obama jobs bill. That's how you create jobs, instead of fighting EPA over regulations. The United States Congress has an obligation and a responsibility to question regulations that we believe are harming the economy, and I notice in today's The Hill it said Senate Democrats bucked Obama on his jobs plan.

So we are all committed to jobs, but I do not believe that issuing more regulations creates jobs when we have business owners large and small testify repeatedly that these regulations are going to lose jobs, that they are going to have to shut down plants at a time when the President wants to put more money into infrastructure needs in America, which is fine. You need cement to do that. Our plants are going to be closed, so we are going to be importing more cement from China, India, and elsewhere.

So I would respectfully, though I have much admiration for my friend from Illinois, oppose this amendment.

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

□ 1520

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I yield to the gentleman from Illinois.

Mr. RUSH. I thank the ranking member for yielding.

Mr. Chairman, I have some questions that I want to ask the Members on the other side.

How much time do you need? How much time are you asking the American people to wait? How much longer do they have to wait for the EPA to finally come up with rules and regulations that will regulate the cement kiln industry, an industry that up until this date, 13 years later—13 years later—still no regulation on the cement kiln industry? Thirteen years. And then you have the audacity to come before this Congress and come before the American people and say, after 13 years, We want you to wait even longer. Another year and a half for the EPA to act on this bill and another 5 years, another 5 years before this bill will force them to comply. That's a total of 18 years, 19 years, 19½ years. You want the American people to continue to breathe bad air, to get diseases, cancer, lung diseases, another 19 years?

How dare you come before the American people and come before this Congress and say you want more time. They've had 13 years, and most of the industries in this Nation have already complied. This one industry, the only one, the one you're trying to protect, it's the only one that's excluded. And I say we can't wait any longer. The American people can't wait any longer. Our children can't wait any longer. Our senior citizens can't wait any longer. We can't wait any longer. We cannot give them another 7 years.

Mr. WAXMAN. If I might reclaim my time, I think the gentleman is absolutely right. The gentleman from Kentucky said that they had a witness that said it's irrefutably true that they're going to lose all of these jobs. That same witness urged our committee to repeal the Clean Air Act, which seems like what the Republicans would like to do, but they want to do it bit by bit.

This amendment before us by Mr. RUSH addresses one of the most egregious provisions of the bill. It changes the requirement. It changes the standard. And it would set up a standard that would be litigated for many, many more years. He talked about how long they have been let off the hook. They'll wait many years after that because the courts will have to decide it.

What his proposal is and this pending amendment is to say this bill would be in addition to a standard that's already in place, and that standard is to require the use of a maximum achievable control technology to control the emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions. This is not a pie-in-the-sky technology. It's requiring technology that's already being used at the present time.

And so it would set up a floor for each toxic air pollutant that reflects the emission levels that are actually being achieved in the real world. The bill before us would strike that and replace it with a requirement that would be the least burdensome on the industry, even if it's the least effective in stopping the harm to children and others from the mercury and other toxic pollutants.

So I rise in support of the Rush amendment. I urge my colleagues to adopt it. It simply states that we're not replacing the requirement that's in the law. A requirement would be added onto it, and it would clarify that EPA should set numeric emission limits to reduce the air toxic pollution from cement kilns unless such limits are not feasible as described in the statute.

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair would remind all Members that remarks should be directed to the Chair and not addressed to other Members.

Mr. HOYER. Mr. Chairman, I move to strike the last word.

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

Mr. HOYER. Mr. Chairman, I appreciate the recognition, and I rise in support of the Rush amendment and in opposition to the underlying bill.

First of all, let us lament the fact that we are not considering on the floor today a jobs bill. Now, I understand that my friend from Kentucky believes this affects jobs. He may well be right. But it doesn't affect jobs in the short term. In fact, as the gentleman knows, one of these regulations that is the subject of legislation this week has been stayed until next year, and the EPA is working very closely with the cement industry and particular individuals in the cement industry to try to work towards an implementation which they can in fact comply with.

What is lamentable, however, and the gentleman from Kentucky mentioned it, that somehow, and he pointed at the Senators, the Senators don't agree with the President's jobs bill. In fact, the Senators do agree with the jobs bill; they don't agree with how it's paid for. And so they have a different pay-for. That, I suggest to you, is the legislative process.

But what I tell my friend from Kentucky, what my friends on the Democratic side in the Senate and the Democrats in the House both agree on, we ought to be considering jobs legislation. We ought to have every day on this floor, 5 days a week, legislation trying to get Americans back to work; millions of Americans who can't find jobs, who can't support their families, who psychologically are being damaged daily by their inability to have a job. That's what we ought to be doing. We've been in this Congress now for almost 10 months, 9 months plus, and we haven't had a jobs bill on this floor.

The President of the United States came before the Congress and the American people and said: I've got a bill, the Americans Jobs Act, and it invests in creating jobs, invests in putting money in people's pockets, and invests in making small businesses more able to expand their base, expand jobs, and grow their businesses. It invests in making sure that our schools are appropriate for our kids, and it invests in making sure that 240,000 teachers stay on the job educating our kids so when they get out of school they can get a job.

And yet, my friends, we're here talking about two industries vital to America's well-being. I couldn't agree more with the gentleman from Kentucky, we need to have regulations and rules that are consistent with Americans being able to grow their businesses. And the gentleman from Kentucky said you're concerned about the air. I'm absolutely convinced of that. I know you are. But I'm also convinced that the gentleman from California, who's been such a

giant in this effort for clean air in America, was correct when he said the witness said you ought to do away with the Environmental Protection Agency and the Clean Air Act.

I have a granddaughter who has asthma. Now, luckily, we have an intervention that she puffs on every morning and every evening that helps her. But throughout the rest of the day, she puffs on the air in our country, in our State and in our county. And Americans expect us as their Representatives to try, to the extent we can, to make sure that air is healthy and breathable and life-sustaining.

And so, yes, we have to make a balance. And that balance is between making sure that our people are healthy and making sure also, hopefully, that they're wealthy; not wealthy in the sense of being rich, but wealthy in terms of having a job, having the self-respect of a job and the ability to support themselves and their families.

We ought to be considering a jobs bill. I know you say these regulatory bills are jobs bills, but I want to call your attention to an article written by somebody who you may know, Mr. Bruce Bartlett. As you know, Mr. Bruce Bartlett was in the Reagan and George H.W. Bush administrations and served on the staffs of Representatives Jack Kemp and RON PAUL. He has never been on our press staff.

He says the focus on these regulations as if they are job creators or job destroyers is inaccurate. That does not mean we shouldn't pay attention to them; we should. But, ladies and gentlemen, we ought to have on this floor jobs legislation, job creation legislation.

Bring to the floor the President's bill. If you don't like it, vote against it. If you don't like it, amend it, but give the American public, the American people the chance to have a jobs bill considered on this floor to give them hope and opportunity.

I yield back the balance of my time.

□ 1530

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind the Members that remarks in debate must be addressed to the Chair and not to others in the second person.

Mr. CARTER. Mr. Chair, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, there's a pretty heated argument going on here, and there are a couple of things I would like to point out here. First off, the EPA is conducting a reconsideration of certain aspects of the recent cement rules. However, EPA is only reconsidering a certain aspect of these rules. EPA has stayed the effective date on only one of the three rules proposed. They have stayed it only for a short period of time, and environmentalists have sued the EPA for staying the rule. None of the compliance dates for any of the three recent cement sector rules have been changed, and it is not clear that they will be. Only a legislative stay will provide regulatory certainty for these rules.

President Obama has publicly stated to us that he learned that ''shovel-ready'' doesn't always mean ''shovel-ready,'' and that we are still waiting for some of the projects from the original stimulus bill to be created because ''shovel-ready'' doesn't mean ''shovel-ready.'' And, in fact, we have a few of these in my district.

But let me say this: What we're talking about here is something that we've heard from the administration since the Obama administration has been in charge, and that is it is a success if you have prevented the loss of jobs. So you take credit for saying we didn't lose certain jobs because of this action. Well, we have evidence here that says we are going to lose certain jobs because of this action. In fact, we are told that we could have the close-down of 20 percent of the cement factories currently in existence within the next 2 years. That means shut down and either moved overseas or just shut down and no longer in business as a result of the regulations that are imposed by EPA. And that's actually not only the industry, but even EPA acknowledges that that is a possibility.

So what this amendment that is proposed here does is it says—and the argument we heard was we ought to be ashamed of ourselves for the position we're taking and that for 18 years we've done nothing. Well, for 18 years, we've not exactly done nothing. In 1999, regulations were imposed by the EPA which were submitted to the cement industry; and they, by their own statement of EPA, they put those in place, and then the regulations changed in '06 and they were in process; and many, as we heard from our friend from Oregon, have put those regulations in place to reduce emissions. In fact, we have reduced mercury emissions by 56 percent by the regulations that have been put in place and the implementation that the industry has done.

So it seems to be maybe another case of legislative negligence here to make the accusation that we have done nothing for the 13 years that have gone forward. Of course, that is just not true. They have done something.

But now we've got the example of the plant that is in Oregon which has met the '99 and met the '06 regulations, and now they're looking at these regulations and the standard we have to meet, which is a 1 percent versus a 5 percent standard, .01 versus a .05 percent standard, that the folks in the European Union have set as a clean air standard. They are five times dirtier than what we are proposing, and they've taken a look at it and said, we can't meet this standard within the time frame that EPA has set forth for us.

So what we, by the underlying bill in this case, have said is EPA is supposed to be a real-world operation that this is supposed to meet. It is clearly—at least the industry feels in the timeframe set we can't meet that real-world standard. Therefore, how about taking another look for the next 15 months at these standards; and then when you come up with something that can be met in the real world, give us 5 years to implement, which is pretty reasonable if you look at the distance between '99 and '06, between the time the regulations changed the last time. It is right within the same time frame. But all of a sudden, we have accelerated the implementation of these rules, and we've set standards that we pretty well agree, everyone agrees, are not meetable.

I oppose this amendment and I support the underlying bill.

I yield back the balance of my time.

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

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

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

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

AMENDMENT NO. 17 OFFERED BY MRS. CAPPS

Mrs. CAPPS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that according to the Environmental Protection Agency, if the rules specified in section 3(b) are in effect, then for every dollar in costs, the rules will provide at least $7 to $19 in health benefits, due to the avoidance each year of—

(1) 960 to 2,500 premature deaths;
(2) 1,500 nonfatal heart attacks;
(3) 1,000 emergency room visits;
(4) 17,000 cases of aggravated asthma; and
(5) 130,000 days of missed work.

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

Mrs. CAPPS. Mr. Chairman, it's my sincere hope that we can all agree to this amendment because it would simply add a finding to the underlying bill of illustrating the health benefits of EPA's mercury and air toxics cleanup standards for large cement plants. Opponents of these clean-up standards argue that they cost too much. I don't happen to agree with that assessment. But while we can debate the cost of the standards, the health benefits are not in dispute, and that is why those facts should be included as part of this bill; and that is what this amendment makes in order.

Mr. Chairman, for decades, cement plants have been one of the largest pollution emitters in the United States.

They are responsible for some of the most dangerous air pollutants in the Nation, including mercury and other emissions that react in the air to form soot and smog. But some cement plants are still failing to comply with basic Clean Air Act protections that are 13 years overdue. And that's why the EPA took final action last year to require these large cement plants to cut their emissions and to simply follow the law.

EPA science and health standards are based on the track record of the existing plants that do the best job at limiting harmful emissions. In fact, many plants have already installed modern pollution control technology that meets these requirements. But instead of supporting the EPA's lifesaving clean-up standards, the bill before us would delay these standards by at least 4½ additional years. And it eliminates any deadline by which cement plants must comply with EPA's safeguards. This could mean thousands and thousands of additional pounds of mercury and other toxic pollution released into our air each and every year.

These pollutants can cause cancer. They can impair brain development, and they can harm children's ability to learn. They affect the kidneys, the lungs and the nervous system, and they cause lung and heart disease and premature deaths.

Now, you've heard that some large cement plants want a free pass from cleaning up air pollution in the name of jobs. But indefinitely delaying EPA's clean-up standards will not prevent job losses. What it will do for certain is to put the lives and the health of millions of Americans at risk. Failing to implement the EPA's air pollution standards for cement plants over 1 year would lead to as many as 2,500 premature deaths, as many as 1,500 heart attacks, about 1,000 emergency room visits, about 17,000 cases of aggravated asthma, and 130,000 days of work missed by people affected.

It's clear that the benefits of these pollution safeguards significantly outweigh these costs. For every dollar the cement industry spends to clean up one of its plants, Americans get up to $19 in health benefits back, and this fact is backed by peer-reviewed science.

□ 1540

What other investment results in this astonishing return for the American people? That's why I'm offering this simple amendment today. It would remind us of all the tremendous health benefits that EPA's mercury and air toxic clean-up standards will achieve.

So I urge my colleagues to support this straightforward amendment to the bill.

I yield back the balance of my time.

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

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

Mr. WHITFIELD. Mr. Chairman, I rise in opposition to the gentlewoman from California's amendment. In doing so, I would be the first to recognize that she has been one of the real leaders in the Congress of looking after the health of all of our constituents in the U.S. The reason that I'm opposed to this particular amendment, however, is that she asks us to adopt EPA's findings about health and cost benefits. She wants that to be adopted as a finding in the legislation. In our legislation, we don't have any findings that we're adopting at all. And one of the reasons, among many, that we are opposed to putting the health and cost benefits as a finding in the legislation is that we have not had the ability to undertake any full analysis of EPA's methodology in assessing those health benefits and costs. And we furthermore do not have any idea what assumptions they used.

And another reason that I personally am opposed to their health and cost benefits is that we know for a fact that they do not include as a cost the health benefits lost by family members of those people who lose jobs as a result of the regulation adopted by EPA.

So if you're going to look at the cost of health benefits that people incur for the emissions that may be affected by the regulation, you most certainly should examine and analyze the cost of the health benefits to those people who lose jobs, lose their health insurance, because there has been shown to be a direct correlation between economic livelihood and health. So because of that, I would be very much opposed to adopting this as a finding. We already know that EPA has set out their cost benefits and analysis. That's available to the public, so we're not really accomplishing any purpose by putting it in this legislation.

I would also just like to make one additional comment going back to my friend from Illinois about delay, delay, delay. And I would reiterate what the gentleman from Texas said. EPA adopted the first cement regulation in 1999. They came back in 2006 and adopted another one. That would be in effect today except that the environmental groups filed a lawsuit against it. And as we know, the pattern seems to be environmental groups file the lawsuit, EPA enters a consent decree agreeing, and then they pay the legal fees of the environmental groups. So these regulations would have been in effect a long time ago if that lawsuit had not been filed.

So all we're saying is the industry and EPA and others had agreed to those second regulations, but once the lawsuit was filed, the regulations became so stringent that the testimony has shown that many of these plants simply cannot meet those standards.

So with that, I yield back the balance of my time and ask Members to oppose the Capps amendment.

Ms. WOOLSEY. Mr. Chairman, I rise in favor of the Capps amendment, and I move to strike the last word.

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

Ms. WOOLSEY. Mr. Chairman, it's been 274 days since the Republicans took over the House. What do we have to show for it? Well, first up, they've introduced a budget that would end Medicare as we know it. Then the Republican-led House voted to take money away from NPR. Next up, they voted to make it easier to outsource jobs. And just last week, they even voted to cut programs supporting green jobs. Quite a record: not one single job-creation bill. So what's on deck for today? A bill that would allow more toxic pollutants in the air that we breathe.

I'm certain, Mr. Chairman, that if we went outside and asked 100 people, would you prefer dirtier, more toxic air, we are going to get 100 ''noes.'' So why are we taking this up today? It's not because working families are clamoring for more toxins in their homes, at the workplace, or in the parks. This bill is a handout to the polluters of America. It says that their profits are more important than the health of our Nation. More asthma? Who cares. We've got to make a profit.

Well, let's admit what this underlying bill is really about. It's one more break for Big Business at the expense of working families and our communities.

The American people have had enough, Mr. Chairman. Let's stand up for public health. Let's stand up for common sense. I urge my colleagues to vote ''no'' on this dangerous and reckless legislation, and I urge the Republicans to get behind President Obama's jobs bill and put America back to work.

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

Mr. ELLISON. Mr. Chairman, I move to strike the last word.

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

Mr. ELLISON. Mr. Chairman, I rise in favor of the amendment because I'd like to make the point that Americans watching this debate, Mr. Chairman, should not be fooled into believing that there is some false choice between being able to breathe and having a job. This is just a false choice. It's a trick bag, and it's unfair to make this argument to the American people.

The fact is we can breathe and we can avoid asthma and mercury poisoning and have a job. You don't have to have one or the other. And the fact is, Mr. Chairman, is that the folks who argue against regulations that protect our health and sometimes impose a reasonable cost on industry, these folks have never liked regulations that ask business to do their fair share.

This is not a new thing. This is not unique to the cement industry. This is an ongoing ideological debate which has been going on for a long time. But thankfully, Americans recognized that

we needed to breathe and work. So we passed regulations. We passed and enacted the EPA. And we brought laws and regulations into being that would protect our health. But now we're being asked to say, Your health or a job? And this is being done in the middle of one of the most dramatic recessions since the Great Depression.

The fact is, this claim that if you get rid of all the regulations these corporations are just going to spring forward and start hiring people is untrue. There's no evidence of it. I'd love to see some proof of this claim. It's not the case. And you can't tell me that if some self-interested business person comes to a hearing and says, I would hire if we could get rid of regulations, I don't buy that. I want to see some real evidence. But there is none. That's why you don't see it.

The fact is is that if you want to put people back to work today, we've got to pass the President's American Jobs Act. We ought to be on the floor talking about the President's American Jobs Act. We ought to be talking about the infrastructure bank bill. We need to be getting Americans back to work because the real reason that our economy is dragging along and unemployment is so high is because our government is not putting people back to work by investing in infrastructure, by refurbishing our school system, by putting the necessary investments into the 21st century. That's what we need to be doing, not just relieving industry of the responsibility to respect our environment and our lungs.

So I just want to say, and to say again, Mr. Chairman, that I hope the folks watching C–SPAN don't fall for the okeydoke, and be very, very careful in listening to this debate, and don't allow themselves to be fooled into thinking that they can either have a job or they can have lungs, but they can't have both.

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

Mr. CARTER. Mr. Chairman, I move to strike the last word.

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

Mr. CARTER. Mr. Chairman, I rise in opposition to the Capps amendment.

First let me say that the underlying concept behind the Capps amendment is fine. We are all concerned about the health of people.

Everybody's using examples of asthma. I have asthma, okay; that's why I sound like this. All right. So I understand asthma. But I want to point out some things about this that concern me.

First and foremost, we have scientific information. And what the chairman of the subcommittee said is that we don't know exactly upon what methodology the EPA bases its analysis of the health care incidents that occurred from this industry.

□ 1550

There probably are health care incidents. The question is, what's the analysis? And I would start with scientific evidence that has appeared here today that somewhere between 100 and 85 percent of the mercury pollution that's found from the Pacific Ocean to the Mississippi River comes from foreign sources.

My first question would be, in their analysis, did they analyze that relative to the mercury—infant child brain damage relative to the somewhere between 100 and 85 percent of the mercury—that comes from foreign sources, which we have no control over? And we could shut all our concrete plants down, which we may do, and the result would be, I don't know, somewhere between 15 percent better and no better, at least west of the Mississippi. So did they analyze it that way accordingly?

And then, therefore, if they said that they did it that way, is the number they're talking about relative to the 15 percent or the 0 percent that these plants are creating?

I don't know the answer to that question. But that's the reason I think it would be an irregular thing for this Congress to do to adopt the findings of the EPA or other health organizations without us knowing what actual facts they used in their analysis of doing this. And I would think that would require a pretty hard and tough inquiry, not that I'm saying there's not health care issues with anything that goes in the air. Certainly, there's got to be.

Then another question we hear today is, why don't you guys quit talking—you're not talking about creating any jobs. No, we're talking about the same argument that the administration's been using for the entire length of the administration. We're talking about saving American jobs, because there's no evidence to the contrary that if you close down a plant and it employs 15 to 30 workers, you lose 15 to 30 jobs, not 15 to 30 corporations, 15 to 30 American worker jobs.

If you close 20 percent of the plants, and there's approximately 100 in the country, then you're going to have 20 times somewhere between 15 and 20 jobs, whatever the number is. And these are $65,000 to $85,000-a-year jobs by labor. But we're going to lose those jobs. And this bill that this amendment is seeking to be attached too, its purpose is to save those people's jobs, those American laborers' jobs. I think it's something we should think about.

The American Jobs Act, if it can get the support in the Senate—to my knowledge, it has not yet been dropped in the House, but I'm sure it will be sometime; someone will step up and do it.

And then the question becomes, what about the President's public statement that shovel-ready doesn't mean shovel-ready?

Well, if you're going to have to bring in a part, a major part of fixing highways and schools, which is concrete, if you're going to have to bring in the element of concrete, because Portland cement, as my colleague has corrected my Texas language, is an integral portion of that, if that has to be brought in from China, don't you think that also is going to slow down again the President's complaint that shovel-ready doesn't always mean shovel-ready? I think it is.

And, in fact, do we have any quality assurance that when we build that bridge across the Mississippi River, like we did in Minnesota, that the cement that we put into that bridge is of an adequate quality that we feel safe driving over? I don't know, but that's going to be our option if our cement industry goes overseas.

So at some point in time we have to ask ourselves, we're losing jobs when they close plants. If it's so onerous that they have to move, then why not take time to study and come up with something that actually works in the real world, as this EPA rule is supposed to work?

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I rise in support of the Capps amendment.

The Capps amendment doesn't change the bill. It allows the bill to go into effect, but the amendment would simply add the health benefits findings in the legislation. It doesn't change what the bill does, but it does provide crucial context for the bill's provisions.

Now, I should point out that the bill, itself, nullifies the cement kiln rules and forces EPA to start all over again. In doing so, the bill nullifies all of these health benefits such as fewer asthma attacks, avoided premature deaths, reduced exposure to toxic pollution. In its place the bill offers no guarantee that any new rules will have to achieve the same level of public health protection. So the Capps amendment ensures that we have an honest accounting of the health benefits that the Republican leadership says we should erase because they just aren't worth it.

Well, I would urge that we vote for the Capps amendment because this finding is important for Members to have so that they understand they're voting with their eyes wide open to eliminate those very health benefits.

I just want to respond to this business about China. It's like we're going to close down cement plants and bring it all into the United States from China. Well, that just doesn't make a lot of sense. That's just not credible. U.S. clinker output has dropped nearly 50 percent since 2006, but the imports have declined by more than 80 percent. How could that be?

Well, there's a lack of demand. That's the reason we have a problem. The domestic cement industry is regional in nature. According to the Portland Cement Association, the cost of shipping cement prohibits profitable distribution over long distances. As a

result, customers traditionally purchase cement from local sources. If we're not producing more cement, it's not because we're bringing it in from China. It's because the demand is not there.

Now, the findings that the Capps amendment would put into place are based on the EPA's economic analysis that has to follow criteria set by the Office of Management and Budget. So they're based on peer-reviewed studies. They're transparent. They're subject to public comment. They're reviewed by the Office of Management and Budget.

The industry studies meet none of these criteria. Members can get up here and say numbers of jobs that will be lost, but we don't know where those numbers have come from. We haven't seen any peer-reviewed studies.

In 40 years of experience in implementing the Clean Air Act, we've heard these predictions of disaster time after time, and yet the economy has continued to grow. Chicken Little has nothing on industry when it comes to requirements to clean up pollution.

So when we hear that we can't protect our children from toxic pollution, from brain damage, from cancers because plants will close down, I would urge my colleagues not to believe it. I don't think we have to make that stark choice. And if you're going to make that stark choice, don't oppose the findings being in the bill because you don't like those findings, you don't want to face those findings. I think we ought to have them in the bill because that's exactly what we're going to do.

So if you're going to support this bill, then support it with the understanding that those public health benefits will be lost.

Mr. CARTER. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding. I just want to correct—maybe you said it wrong; maybe I said it wrong. If I did, I apologize. I'm not saying Chinese industry will move to the United States. I'm saying that if they close down plants in the United States, which the industry has given us a percentage of at least 20 percent of the plants will close—and we know the construction of a new plant in Alabama will stop until the stay—then I'm saying that then we would have to supplement that by overseas shipments from the largest producer of cement in the world, China.

Mr. WAXMAN. Reclaiming my time, I did understand you to say that, and I just can't think of that as a credible statement because we've already had a drop of nearly 50 percent since 2006 of cement in the United States. That didn't mean we brought in more from China. In fact, our demand, our imports from anywhere else declined by more than 80 percent.

□ 1600

So it's not a question of we're going to have to come from China; we just don't have the demand. I think we should take the cement industry at their word, when the Portland Cement Association tells us the cost of shipping cement prohibits profitable distribution over long distances. We can continue with our own industry and still meet these health-based standards.

I yield back the balance of my time.

Mr. KINZINGER of Illinois. I move to strike the last word.

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

Mr. KINZINGER of Illinois. Thank you, Mr. Chairman. I'll be pretty brief in saying this.

It seems like we've often taken this idea of jobs and everything else, and, again, in Washington D.C., we have two epic competing viewpoints right now: One says that we need jobs; the other says we need jobs. One says we need jobs through more government spending, more government interaction, more stimulus. In fact, I had a colleague once tell me that the problem with the stimulus is it wasn't large enough. Well, I guess stimulus 2 that's being proposed is actually half as large.

There's different competing things on how to create jobs, but the one thing we can all agree on is the Environmental Protection Agency needs to protect the environment and it needs to do so at prevention of killing and stopping job creation or putting people out of work.

Again, when we talk about this whole issue, I think the thing that needs to be very obvious here is we need cement, obviously, to build infrastructure. The industry is saying, You're going to cost us 18 out of 100 plants and you're going to cost 20,000 jobs. Now, we can take issue with that. I just heard my colleague say that we have to take the cement industry at their word. I agree. This is what's being said: 20,000 jobs.

So the question is, now, do we just go ahead and say, Well, let's not give any additional time to figure out how to comply with these regulations so those jobs aren't lost; let's just take the arbitrary number and move forward? All we're trying to do is buy a little more time to allow the industry to protect those 20,000 people.

Imagine right now—and it's not just a number. Imagine there are 20,000 people out there in the United States right now that are going about their business. It's 4 o'clock on the east coast, so some are maybe getting off of work, or maybe they're going to a second shift, and they have no idea that this faceless 20,000 number is actually them. They are that 20,000 number right now. They don't realize it. They've got the little ''20,000'' above their head. They say, I hope my job's safe; but no, it's them. Because if these rules are allowed to go into effect haphazardly like this, they will be out of work.

Again, we have two competing philosophies here, and we can talk about those philosophies, but ultimately the first thing we have to do is quit killing jobs. It's the Environmental Protection Agency. It's not the Employment Prevention Agency or anything along that line.

We've got a lot of work to do. This is a great bill, and I would urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR (Mrs. CAPITO). 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 ayes appeared to have it.

Mr. WHITFIELD. 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 NO. 1 OFFERED BY MS. SCHAKOWSKY

Ms. SCHAKOWSKY. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.

The Acting CHAIR. The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Thank you, Madam Chair.

My amendment is simple. It would include in the findings the scientific fact that mercury released into the ambient air from cement kilns is a potent neurotoxin that can damage the development of an infant's brain.

Let me just read the finding from my amendment. It says, ''The Congress finds that mercury released into the ambient air from cement kilns addressed in this act is a potent neurotoxin that can damage the development of an infant's brain.''

That is just fact. This is not up for debate. That is just a fact and should be acknowledged in the legislation, that mercury is one of the most harmful toxins in our environment. Forty-eight tons of mercury is pumped into our air each year, threatening one in six women nationwide with dangerous levels of mercury exposure. Pregnant women, infants, and young children are most vulnerable to mercury poisoning, which harms a developing child's ability to walk, talk, read, write, and comprehend. Developing fetuses and children are especially at risk to even low-level mercury exposure that causes adverse health effects. Up to 10 percent of U.S. women of childbearing age are estimated to have mercury levels high

enough to put their developing children at increased risk for cognitive problems.

Cement kilns are among the largest sources of airborne mercury pollution in the United States, and there is existing technology right now that would prevent that. When mercury is pumped into our air, very often it ends up in bodies of water and is ingested by fish. Mercury-contaminated fish are found in almost every American body of water, and eating contaminated fish is the dominant cause of mercury exposure in people.

This is a serious problem in my home State of Illinois. In April, Environment Illinois issued a report showing that the amount of mercury in the average sport fish tested in 36 counties exceeds the EPA safe limit for regular consumption. Due to this contamination, the Illinois Department of Public Health warns women and children to limit their consumption of fish.

Illinois is not unlike other States. According to the EPA, nearly every fish nationwide contains mercury. The EPA actually advises women who are pregnant or who may become pregnant to eat no more than 12 ounces of any fish per week, and to eat limited or no amounts of fish that have high mercury content. That advisory has also been issued for infants and children. That's because we know beyond any scientific doubt that mercury inhibits brain development in the fetal and early childhood development stages. EPA analysis and peer-reviewed studies show that mercury leads to increased incidence of neurological disorders, increased incidence of learning disabilities, and increased incidence in developmental delay.

The EPA cement plant standards would reduce this major threat without undue burden to industry. The standards will lower the mercury exposure of more than 100,000 women of childbearing age in Illinois whose blood mercury levels exceed the recommended limit. When fully implemented, EPA estimates that mercury emissions from cement kilns will be reduced by 92 percent. The legislation we consider today will block EPA's efforts. It will send EPA back to the drawing board with new untested and legally vulnerable guidance for setting air pollution standards.

My colleagues across the aisle talk a lot about not wanting to burden the next generation with debt. Where is their concern with burdening the next generation with reduced brain capacity? H.R. 2681 patently ignores the scientifically proven fact that mercury exposure inhibits brain development, especially in infants. If we are prepared to pass legislation that would jeopardize the health of children by increasing mercury emissions, we should be willing to acknowledge the scientific fact that EPA inaction poses a serious health risk.

The previous speaker, my colleague from Illinois who spoke, said we have different philosophies. I hope not. I hope we agree that it is a rightful function of government to say that we don't want to overburden industry but we do want to say that our job is to protect the health and safety of the people of the United States, and mercury is a danger that is proven.

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

□ 1610

Mr. WHITFIELD. Madam Chairman, I rise in opposition to the amendment.

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

Mr. WHITFIELD. The gentlelady from Illinois is certainly a valuable member of the Energy and Commerce Committee, and is an effective advocate for her positions, but her amendment would require a finding that mercury emitted from the cement kiln is a neurotoxin.

I would first point out that EPA, itself, in its reports, has indicated that the regulation of domestic mercury, because of the Clean Air Act, has already decreased by 58 percent. It has also estimated that the Cement MACT that it issued, which is at issue in this legislation, would reduce global emissions of mercury by less than one-fourth of 1 percent. It also said that the Department of Energy estimated that the global emissions of mercury amount to about 11 million pounds.

So the amount of mercury that we're talking about in this cement regulation is so minute that the EPA, itself, did not even assign a dollar value to the benefit because it was so, in its opinion, inconsequential.

Obviously, Congress is not a scientific body. We know that mercury is dangerous, but when mercury comes out of a cement kiln, it comes out as elemental mercury. It then must fall into water, where organisms convert it to methylmercury. A fish has to take in the methylmercury, and that fish has to be cooked. Then someone has to eat it for it to be damaging to that person.

So these are very scientific assumptions. As I said, Congress is not a scientific body. The scientific understanding of mercury is certainly far more complicated than is reflected in this finding that asks to be included in the bill. This statement simply assigns the responsibility for specific health impacts to specific sources when there are multiple sources of mercury in the environment, including natural resources. There is some mercury in the air as a result of cement kilns, but there is an awful lot in there which is natural, and then there is an awful lot that comes from sources outside the U.S.

We do not believe that the EPA can quantify any health benefit from reducing emissions of mercury from these sources, because they've said that themselves. Because of that, I would oppose putting into a finding this particular statement. I might also say to the gentlelady from Illinois that we don't have any findings in this legislation at all, so I would respectfully request that the Members oppose this particular amendment.

I yield back the balance of my time.

Mr. WAXMAN. I rise in support of the amendment.

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

Mr. WAXMAN. Madam Chair and my colleagues, this amendment simply states the finding of the science.

It simply says that Congress finds that mercury released into the ambient air from cement kilns, addressed by these rules listed in 2(b) of this act, is a potent neurotoxin that can damage the development of infants' brains.

That's the finding. It's a scientific finding.

As I heard the argument of the gentleman from Kentucky, the chairman of the subcommittee, he said it depends on how much you've ingested and all that, but nobody's talking about that. This is just a finding of the science. He also indicated there is no finding in this bill. So what? This is an amendment to the bill.

EPA didn't put a dollar figure on the potential health benefits from reducing the emissions of mercury, carcinogens, and other toxic pollutants.

It's not that there won't be any benefits. EPA simply couldn't produce a well-supported dollar value estimate of those benefits given the time and methodological constraints. So I don't see how anybody can oppose this amendment, because it simply states a scientific fact. Let me be very concrete about it. This is a simple statement of a scientific fact. If Congress wants to go on record, as we already have in other legislation, that we don't believe in science, you can do it, but it doesn't wish the scientific finding away.

Mercury exposure in the womb, which can result from a mother's consumption of mercury-tainted fish and shellfish, can adversely affect the developing brain and nervous system.

You can't wish that away. You can't vote it down and say that it's not true.

Babies that were exposed to mercury in utero can suffer long-term problems with cognitive thinking, memory, attention, language, and fine motor and visual spatial skills.

You can't say that's not true. That's what the scientists have concluded.

In 1990, we adopted the Clean Air Act. We asked that these cement kilns and other polluters reduce those pollutants because they are toxic air pollutants. The Schakowsky amendment says there is a scientific basis for this law. She repeats the science. Republicans can amend the Clean Air Act and say we're not going to do anything about it, but they cannot amend the laws of nature. They cannot change the scientific reality.

I must also point out with this bill that, not only are Republicans urging

that we deny the scientific reality, but they want to make sure we don't do anything about that scientific reality. The Schakowsky amendment doesn't change that. It only says that we ought to face the scientific fact, as I indicated, which is the overwhelming scientific consensus. I don't know anybody who's against this scientific consensus. If we vote against her amendment, we're denying the scientific fact that mercury is a potent neurotoxin that can damage the development of an infant's brain. I don't see how anybody could vote against that.

Even if you want to postpone the rules, even if you want to give the EPA more time and make the industry have to avoid coming into compliance for 10, 16, 18, 20 years, whatever it may be, it's irrefutable. This is the reason we want these rules in place. Otherwise, the Republicans ought to say, ''We don't want the rules in place,'' because there's no reason to have these rules. If that's what they believe, then they can vote against the Schakowsky amendment, but it doesn't make any sense.

I don't know if I have any remaining time, but I would be happy to yield to the gentlelady from Illinois (Ms. SCHAKOWSKY) if she wants to say anything more.

The Acting CHAIR. The gentleman from California has 30 seconds remaining.

Mr. WAXMAN. I'll not even take that 30 seconds.

This is a question of voting on the scientific conclusion, so I urge my colleagues to vote for the Schakowsky amendment.

I yield back the balance of my time.

Mr. DENT. Madam Chairman, I move to strike the last word.

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

Mr. DENT. I rise with strong reservations about this amendment, but I also want to talk about the underlying legislation.

I think, really, what we have to be focused on here is jobs. Again, as I stated earlier during floor debate, I represent the largest cement-producing district in America. We have five cement plants in my district. Those five cement plants produce more cement than did the 50 plants that preceded them. We used to have 50 plants in my district, and now those five plants that are remaining produce more than the 50. The point is that the industry has become much more productive in many respects, including being environmentally more productive and sensitive.

That said, these new rules, these three rules in particular, will restrict the industry's ability to remain competitive with foreign producers. These foreign imports currently make up more than 20 percent of the total U.S. cement sales. If these three rules are implemented, we will see less domestic cement production.

To add insult to injury with respect to what the EPA is doing with their regulatory assault on the cement industry as well as on the coal industry, what they are doing here is just unfair to basic industry—to manufacturing, to industrial America. When you look at the stimulus law that was enacted a couple of years ago, look at what happened. Our stimulus dollars, Federal dollars, are being used to finance a cement importation terminal in New York City for the purpose of bringing in Peruvian cement.

□ 1620

No, I am not making that up; that's real. And I've talked about this issue before on the House floor. Because this regulatory assault on domestic cement and our own Federal Government, another arm of the Federal Government, trying to basically subsidize the importation of foreign cement, it's going to have a very negative impact on my congressional district, which is, again, the largest cement producing district in America.

And it's been stated before these NESHAP rules just cobble together a range of different performance characteristics for different pollutants without determining if it is possible for any single cement company to comply with all these standards simultaneously.

There are two other rules, the CISWI rule and the nonhazardous solid waste rule, that will deal with issues like tires.

And many modern cement plants here, as well as in Europe, use alternative fuel sources with high Btu content. They use tires. They use waste plastics ground up. Many of these materials and waste would be otherwise, ordinarily, landfill. We burn them in cement kilns with a high Btu content, and that replaces other fuels like coal.

So this is very important. It's a great reuse of these materials. If we leave those unsightly tire piles out and about, what will happen is we'll see another situation like we saw in Philadelphia years ago where the tire pile ignited and melted the I–95 bridge in Philadelphia. That's when many people started to realize that there was a better use for tires than letting them sit in these piles under interstate freeways and use them in cement kilns. It makes great sense, and these new rules will imperil our ability to use those types of waste fuel oils, waste tires and ground-up plastics. So this is something I think we really have to focus on as we deal with this issue.

Finally, I wanted to mention a couple of other things about what's occurring here. By scrapping these three existing rules and requiring the EPA administrator to develop and propose more realistic and achievable regulations within 15 months, we are going to provide more time for the industry to prepare for full implementation and compliance.

We are going to require that the EPA administrator establish compliance dates and requirements after considering compliance costs, non-air quality health and environmental impacts, energy requirements, the feasibility of implementation, the availability of equipment suppliers and labor, and the potential net employment impacts. That means jobs.

As has been pointed out at various points here, the industry today employs about 17,000 Americans, and we have lost more than 4,000 jobs in the cement industry since 2008. As I pointed out, in a district like mine where we have five cement plants that are operating, and operating effectively—and not only the cement plants, but we also have ancillary industries, like the FLSmidth Company, formerly the Fuller Company, where they actually make cement equipment and build cement plants. These types of jobs are good-paying jobs, are essential to America's industrial base, to our basic industry.

We have to stop this regulatory assault on these types of manufacturing jobs. We can make things in America if our government will just allow us.

So, once again, I want to express my concerns regarding the underlying amendment but, at the same time, expressing my strong and unreserved support for the underlying legislation, which is much overdue.

Again, cement is a critical industry to our Nation, and it's time that we adopt this very important Cement MACT legislation.

I yield back the balance of my time.

Ms. HIRONO. I move to strike the last word.

The Acting CHAIR. The gentlewoman from Hawaii is recognized for 5 minutes.

Ms. HIRONO. Madam Chair, I rise today in opposition to the two bills before the House, H.R. 2250 and H.R. 2681.

There is an old saying, ''The people have spoken.'' The people spoke clearly back in 1990. They said, We want cleaner air and healthier communities. So President George H.W. Bush proposed changes to strengthen the Clean Air Act.

The legislation to carry out these changes was introduced by a coalition of 22 Senators from both sides of the aisle, Democrats and Republicans. Then, after an overwhelmingly bipartisan vote of 401–25 in the House and 89–10 in the Senate, the Clean Air Act Amendments of 1990 were signed into law. That was 21 years ago that these updates to the Clean Air Act were enacted. The law required acid rain, urban air pollution, and toxic air emissions to be combated by reducing the release of 189 poisonous pollutants. The deadline for implementing these changes was the year 2000. Eleven years later, the people of Hawaii and the United States are asking for the certainty that they were promised, the certainty that by 2000 their air, our air, would be on the path to being cleaner.

We have heard the arguments against these regulations before: They are too expensive; they will kill jobs. We have heard the same arguments for years.

However, since the passage of the Clean Air Act 40 years ago, our Nation's economy has grown 200 percent.

When acid rain regulations were proposed after the 1990 law was enacted, industry claimed that it would cost $7.5 billion to comply and tens of thousands of jobs. But we know that that was not what happened. Instead, our economy added 21 million jobs and had the longest-running expansion in our Nation's history.

Recent surveys also show the biggest challenge facing small businesses today isn't regulation. The biggest challenge is that consumer demand for products and services is low.

We all agree that we need to help our economy and create more jobs, but we shouldn't be doing that at the expense of the health of our communities and our families. That is not the way to create jobs. Instead, it's time to give the American people the certainty that the air that we breathe won't contribute to asthma or heart attacks or birth defects; and it's time to give the American people the certainty that when they speak, as they did in 1990, their government will carry out their will.

So enough is enough. The deadlines are passed; the issues have been studied; the rules have been litigated and, in some cases, relitigated. Now is the time for the Environmental Protection Agency to finish the job it was given by Congress and finish these rules, and let's get to work on legislation to create jobs.

I urge my colleagues to join me in opposing both of these bills. The American people want jobs legislation now, not ideological attacks on the Clean Air Act.

I yield back the balance of my time.

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

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

Mr. WAXMAN. 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 Illinois will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. DETERMINATION; AUTHORIZATION.

Not later 10 days after the date of enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, shall make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act and, if so, whether this Act reduces an existing authorization of appropriations by an offsetting amount. The provisions of this Act shall cease to be effective if it is determined that this Act authorizes the appropriation of funds without an offsetting reduction in an existing authorization of appropriations.

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

Mr. WAXMAN. Madam Chair, I oppose this bill on substantive grounds because it nullifies EPA's rules to cut toxic pollution from cement kilns and threatens EPA's ability to reissue rules that are protective of public health.

And we certainly had an exhaustive discussion of why we think this is not a good bill, but this bill has another problem: It does not comply with the Republican leadership's policy for discretionary spending.

When Congress organized this year, the majority leader announced that the House would be following a discretionary CutGo rule. This requires that when a bill authorizes discretionary funding, that funding is explicitly limited to a specific amount. The protocols also require that the specific amount be offset by a reduction in an existing authorization.

This rule was embodied in a document entitled, ''Legislative Protocols for the 112th Congress.'' The majority leader announced that compliance with these protocols is necessary for legislation to be complied with before the bill would be scheduled for floor consideration.

Well, this bill fails to meet these protocols on two counts:

First, the bill does not include a specific authorization for EPA to complete the rulemaking required by the bill. After all, EPA finalized the cement rulemaking more than a year ago. EPA will have to start from scratch, according to this bill, and follow a whole new approach for setting emission standards. That's going to cost money.

□ 1630

Second, the bill does not offset the new spending with cuts in an existing authorization. In addition to violating the protocols of the majority leader, the bill violates the policies of the Energy and Commerce Committee. Chairman UPTON said the committee would be following a discretionary CutGo rule. He sent me a letter in June to clarify this CutGo policy with regard to bills pending before our committee, which said: If CBO determines that any of these bills will have a significant impact on the Federal budget, we will offset the newly authorized spending with reductions elsewhere.

Well, CBO has determined that H.R. 2681 does, in fact, authorize new discretionary spending. CBO determined that this bill will have a significant impact on the Federal budget because it requires EPA to spend resources on proposing and finalizing new regulations. CBO estimates that implementing this bill would cost EPA $1 million over a 5-year period.

Now, my Republican colleagues claim that this bill doesn't trigger the CutGo requirement. They say that EPA can use existing funds to complete the work mandated by the bill, but that's not how the appropriations law works. Not including an authorization in H.R. 2681 does not have the effect of forcing the executive branch to implement the legislation with existing resources. To the contrary, it has the effect of creating an implicit authorization of ''such sums as may be necessary.'' Anyone familiar with Federal appropriations law knows this and the Government Accountability Office or the Congressional Budget Office can confirm it.

My amendment would simply ask a third party to settle the debate. It requires the Director of the Office of Management and Budget, in consultation with EPA's Chief Financial Officer, the Comptroller General of GAO, and CBO, to determine whether this bill authorizes the appropriation of funds to implement its provisions and, if so, whether this bill reduces an existing authorization of appropriations by an offsetting amount.

If it is determined that this act authorizes the appropriation of funds without an offsetting reduction, the provisions in the act will be nullified. This is a truth-in-advertising amendment. With great fanfare, the Republicans announced they were so serious about addressing the Federal deficit that they would live by a new protocol on discretionary CutGo.

This amendment is an opportunity for the Republicans to live by their word. If we adopt this amendment and the legislation complies with discretionary CutGo, then the amendment will have no effect. If, on the other hand, this legislation fails to comply, as the Congressional Budget Office indicates, and has a significant impact on the Federal budget, then my amendment will ensure that the offending provisions do not go into effect.

I urge all Members to support this amendment. Let's hold the Republican leadership to their word.

I yield back the balance of my time.

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. All of us are very much concerned about excessive spending by the Federal Government. We know we have a serious debt, we have a serious deficit, and all of us are determined to bring that in line and to solve that problem.

Now, the gentleman from California's amendment is trying to use the so-called CutGo rule as a means to invalidate this legislation. In our legislation, we do not authorize the appropriation of any additional funds. We do not create any new programs in this legislation.

And I might say that each year EPA receives an appropriation for its activities, and we know that more than any other agency in the Federal Government, EPA is sued more than almost any other agency. At any one time, they have 400 or 500 lawsuits going. As a result of many of those lawsuits, they have to go back and they have to re-look at rules and so forth; and there's never any additional money appropriated to them for that purpose. So what we're doing in this legislation is no different than what they deal with at EPA every year.

Now, CBO did come forth and say that over a 5-year period, because they would have to re-look at these rules and issue new rules and so forth, there would be maybe a million dollars in additional cost. But that's not any different than what EPA goes through every year, as I said, because of lawsuits that are filed.

Our position is we do not authorize additional money in this legislation. We do not create a new program in this legislation; and, therefore, the CutGo rules are not applicable. And it is the decision of the House leadership to determine if that is the case or not, and they've determined that is not the case. So for those reasons, I would oppose the gentleman's amendment and would urge all Members to oppose the amendment.

I yield back the balance of my time.

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

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

Mr. WAXMAN. 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 California will be postponed.

AMENDMENT NO. 16 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Madam Chair, as the designee of the gentleman from Massachusetts (Mr. MARKEY), I offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water by up to—

(1) 30 percent in some areas of the western United States; and

(2) 17 percent in some areas of the eastern United States.

Page 5, line 11, strike ''section 2'' and insert ''section 3''.

Page 6, line 14, strike ''section 2(a)(1)'' and insert ''section 3(a)(1)''.

Page 7, line 8, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 7, lines 9 and 10, strike ''section 2(b)(2)'' and insert ''section 3(b)(2)''.

Page 8, line 3, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 8, line 14, strike ''section 2(a)'' and insert ''section 3(a)''.

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

Mr. WAXMAN. Madam Chair, this amendment was going to be offered by Mr. MARKEY, and he strongly supports it, and I want to offer it in his place.

Power plants, cement kilns, incinerators, manufacturing facilities, and other industrial sources release toxic mercury into the air. These emissions travel through the atmosphere and eventually deposit to land or water. Once deposited, the mercury can build up in fish, shellfish, and animals that eat fish. Consumption of fish and shellfish is the main route of mercury exposure to humans.

EPA and FDA have warned women who are pregnant, of childbearing age, or nursing that they should limit their consumption of certain types of fish and avoid others entirely due to mercury contamination.

EPA's cement kiln rules are designed to cut emissions of mercury as well as other hazardous air pollutants. EPA estimates that the rules will reduce mercury emissions from cement kilns by 16,400 pounds, or 92 percent, compared with projected levels.

EPA looked at how these reductions would affect the emissions that are deposited to land or water. EPA estimated that the cement rules would reduce mercury deposition by up to 30 percent in the West and up to 17 percent in the East by 2013. The agency's modeling indicates that the mercury deposition reductions would be the greatest nearest the cement kilns.

This amendment adds a simple finding to the bill, stating that EPA's cement kiln rules are expected to reduce mercury deposition in the eastern and western United States. This amendment does not change the substance of the bill. The bill still nullifies EPA's cement rules, which have been in place for a year. The amendment simply adds important context for this nullification. By nullifying the cement rules, this bill erases the reductions in mercury deposition that the rules would achieve.

This debate has shown us how we need this context. The bill's supporters have claimed that 99 percent of mercury is natural; and, thus, they imply, we don't need to worry about it. I have no idea where they get that figure. It wasn't from the EPA. But if that's why they're supporting this bill, their support isn't based on the facts.

The amendment sets the record straight. It makes it clear to all Members that the cement rules will have a real and significant impact on mercury deposition. These effects will be the largest, of course, closest to the plants that will have to clean up their pollution.

□ 1640

But before we vote to throw out rules that have been in the works for over a decade, before we vote to leave communities exposed to toxic air pollution for years or decades more, let's at least recognize what we are throwing away. And what we'd be throwing away is this particular finding that is so important.

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

Mr. SULLIVAN. I rise in opposition to the amendment.

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

Mr. SULLIVAN. Madam Chair, Congress should not adopt as its own specific findings made by EPA in the context of these rulemakings. Congress has not undertaken a full analysis of the EPA's methodology in assessing these reductions. EPA's estimates encompass multiple assumptions that may or may not be true and which deserve further scrutiny.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11 million pounds, of mercury was emitted globally in 2005 from both natural and human sources. Emissions from these sources are modest when considered relative to natural and foreign emissions.

These projections are complex. Where these estimates have not been subject to rigorous scrutiny, it would be irresponsible for Congress to simply adopt EPA's findings as its own.

I urge 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 California (Mr. WAXMAN).

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

Mr. WAXMAN. 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 California will be postponed.

AMENDMENT NO. 21 OFFERED BY MR. PALLONE

Mr. PALLONE. 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:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the

Centers for Disease Control and Prevention during two presidential administrations.

At the end of the bill, add the following section:

SEC. 7. REDUCING BLOOD-MERCURY CONCENTRATIONS.

The provisions of this Act shall cease to be effective, and the rules specified in section 3(b) shall be revived and restored, if the Administrator finds, in consultation with the directors of the National Institutes of Health and the Centers for Disease Control and Prevention, that by allowing continued uncontrolled emissions of mercury from cement kilns this Act threatens to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. Madam Chair, I offer this amendment to this legislation that will ensure that the public health of Americans is protected under the bill.

In December of last year, the U.S. Department of Health and Human Services released their Healthy People 2020 report. And this report is a culmination of a major undertaking initiated under the Bush administration and completed by the Obama administration. It sets goals and objectives with 10-year targets designed to guide national health promotion and disease prevention efforts to improve the health of all people in the United States.

In Healthy People 2020, HHS sets a goal to reduce the American people's exposure to mercury. Mercury can cause aggravated asthma, irregular heartbeat, heart attacks, and premature death in people with heart and lung disease. In addition, mercury is a potent neurotoxin. It is toxic to all of us, but it's particularly dangerous to our children. That's why as part of the Healthy People 2020 report, HHS set a goal to reduce concentrations of mercury found in children's blood samples by 30 percent by 2020.

Children who are exposed to mercury during pregnancy can suffer from a range of developmental and neurological abnormalities, including delayed onset of walking, delayed onset of talking, cerebral palsy, and learning disabilities. The National Academy of Sciences estimates that each year about 60,000 children may be born in the U.S. with neurological problems that could lead to poor school performance because of exposure to mercury.

Cement kilns are one of the largest sources of air-borne mercury pollution in the United States, and yet here we are, Madam Chair, debating bills on the House floor that would go in the opposite direction. We're talking about nullifying regulations that are already on the books to increase infants' and children's exposure to mercury by indefinitely delaying implementation of a law to reduce these toxic emissions from cement kilns.

When the rules were finalized last year to cut pollution from cement kilns, the EPA conducted an analysis of the effects of the rule. The agency found that this rule would cut emissions of mercury from cement plants by 92 percent—almost 17,000 pounds of mercury each year that would be prevented from being released into our environment. For some places, like in the heart of the Western United States, that means a reduction of mercury deposition by 30 percent. And now in one fell swoop, Madam Chair, this legislation will reverse that 30 percent reduction.

My amendment would not let this happen if doing so would interfere with achieving HHS' goal. It would prevent this bill from going into effect if it interferes with the Department of Health and Human Services' goal of reducing our children's exposure to mercury. And I don't want to see this legislation enacted if it's going to affect our children's ability to talk, read, write, or learn. I don't want more people to be at risk for asthma and heart attacks, and I want Health and Human Services to be able to do their job. If they have identified mercury exposure as a risk to our children and to our citizens, I want them to be able to minimize that risk, and we should not interfere.

So, Madam Chair, I urge my colleagues to support this amendment and ensure that we can keep our country progressing towards improved public health and keep our children safe from environmental pollutants.

I yield back the balance of my time.

Mr. SULLIVAN. I rise in opposition to the Pallone amendment.

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

Mr. SULLIVAN. This amendment calls for findings and also would effectively veto this bill. These are not findings for which we established an underlying record in the proceedings relating to this bill. The MACT program is a separate mandate for regulation and it operates separately from the Healthy People 2020 initiative as far as we are aware.

EPA estimates that the Cement MACT will reduce mercury emissions by 16,400 pounds per year, an amount that is only 0.15 percent of global emissions. Mercury is emitted naturally and also globally. The Department of Energy estimates that 5,500 tons, or 11 million pounds, of mercury was emitted globally in 2005 from both natural and human sources.

For these reasons, I urge my colleagues to vote ''no'' on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise in support of the Pallone amendment.

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

Mr. WAXMAN. First, this amendment simply adds a congressional finding that Federal agencies should support ongoing efforts to reduce Americans' exposure to mercury. This seems to me a no-brainer.

For the past 30 years, under both the Democrats and the Republicans, the Department of Health and Human Services, the National Institutes of Health, the Centers for Disease Control and other agencies at the federal, State, and local levels have worked together to set science-based, 10-year national objectives for improving the health of all Americans. This is called the Healthy People initiative.

The Healthy People initiative has set critical public health objectives for 2020. These goals are the product of an extensive stakeholder process that involved public health experts, a wide range of federal, State, and local government officials, a consortium of more than 2,000 organizations, and the public.

The Healthy People 2020 initiative set a goal for reducing mercury exposure. This goal is to reduce the level of mercury in the blood of children and women of childbearing age by 30 percent by 2020. Mercury exposure in the womb or at a young age can adversely affect the developing brain and nervous system, damaging a child's long-term cognitive thinking, memory, attention, language, and fine motor skills.

This amendment states that Congress agrees that we ought to set this goal and we ought to try to achieve this goal as a way to reduce the mercury levels in children. I hope we can all agree this is a worthwhile objective.

The amendment also puts some weight behind this finding. If the EPA administrator determines that allowing cement kilns to continue emitting toxic mercury without controls threatens to block attainment of the Healthy People standard by 2020 to reduce mercury in children, then the bill has no effect. The administrator can reach this determination only after consultation with experts at NIH and CDC.

This amendment is common sense. There's no point in engaging in an extensive process to set broadly agreed upon goals to guide agency actions to improve the health of Americans and then adopt laws that prevent agencies from meeting these goals.

Now, if Republicans want to vote against these goals, that's what they'll be doing if they vote against the Pallone amendment. Unfortunately, the bill we're considering today could hinder this initiative's goal to reduce children's mercury exposure by nullifying long overdue rules to reduce toxic mercury pollution from cement kilns.

□ 1650

But the Republicans have told us that their bill will not hurt public health. They've argued that mercury reductions achieved by cement and boiler rules won't have a discernable effect for public health. It won't even benefit us in how we achieve these goals. Well, if they actually believe that, then those who support this bill should consider this amendment as an opportunity to prove that the bill has

no impact on the mercury levels in children's blood.

I would urge my colleagues to support this amendment, to support these goals, and not to nullify the goals as they would like to nullify the EPA rules.

I support the Pallone amendment and urge my colleagues to vote for it.

Madam Chairman, 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. PALLONE).

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

Mr. PALLONE. 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.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. 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 5, lines 16 and 17, strike ''not earlier than 5 years after the effective date of the regulation'' and insert ''not later than 3 years after the regulation is promulgated as final''.

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

Ms. JACKSON LEE of Texas. I've been to the floor before and I've used these famous words, and I think I've even used them in committee: Can we all get along?

I just can't imagine that if we queried this industry that so many people would want to, if you will, ignore the facts that are impacting not only our community but our children.

First of all, it's important to note that the CBO has established that H.R. 2681 will cost $1 million.

I want jobs to continue. I want jobs to be created. I think the service dealing with our industry is important, but I think lives are important. And I cannot imagine in this particular instance why we would want to block the EPA from finding a way to save lives. And so I rise today to introduce an amendment that would establish the fact that compliance would come by 3 years after the implementation of the resolution by the EPA.

Remember now that every party has an opportunity to participate, but listen to what is happening with the impact of mercury on our children.

If these safeguards are blocked, up to 34,300 premature deaths would be in place. These will be the consequences of it. Over 17,800 more heart attacks; over 180,000 additional asthma attacks; over 3 million more days of missed work or school; and billions of taxpayer dollars wasted treating these preventible accidents—or illnesses, if you will.

In addition, I believe that the idea of jobs should not be a threat to life. Currently, the bill requires the cement industry to comply with EPA rules no earlier than 5 years after the rules have been finalized. The bill also allows indefinite noncompliance. There is no deadline set for the industry compliance. That's an unfair imbalance between jobs and lives, and I know that we can find the right balance.

These industry leaders are citizens in communities. They support Boy Scouts and Girl Scouts. They support PTOs and school athletic teams. Their very constituents are their workers and their families, some of those very families that will be subject to the conditions where schools are near concrete manufacturing companies. It is happening all over America.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they're required to do under the Clean Air Act. The EPA has issued 100 rules targeting this and have resulted in saving—a 1.7 million ton reduction of air pollution per year.

My amendment simply says that to comply with the EPA rules, it should occur no later than 3 years after the rules have finalized.

Let me tell you why this is a good amendment. It gets people to work. It gets you focusing quickly on the remedy. It helps you put the remedy in place, and it helps to save lives.

This is a task that has been given to the EPA for 40 years. In fact, it was given to the EPA under a Republican administration, as I recall, Richard Nixon. We worked together then because we believed that America could be better by creating jobs but also protecting our environment.

There has been a consistent theme of chipping away at the ability of the EPA to protect our air, but I believe we can do both. We can work together.

There is pollution; it does exist. Just come to a city like Houston where asthma rates are up because of the pollution that we have.

It is important to find a way to balance the lives of those who are impacted by things like chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation, watery eyes, while keeping our jobs.

How do we do it? We rush toward fixing the problem. We rush toward creating the jobs by having the kind of technology that allows us to cure this problem and keep these jobs.

Colleagues, I believe this is an important approach. It is to find the new technology that allows us to clean the air. It is not to stall and block the EPA. It is to find a way to get quickly to the solution to be able to save lives.

Let me say that I am hopeful that the amendment will be perceived as an amendment that rushes toward helping those who are creating jobs, but it is rushing toward allowing the EPA to save lives. Let us not sacrifice lives for convenience. Let us save lives.

My amendment is a very constructive amendment to allow compliance in 3 years. I would ask my colleagues to support this amendment.

Madam Chair, I rise today in support of my amendment to H.R. 2681 the "Cement Sector Regulator Relief Act." My amendment requires the cement industry to comply with Environmental Protection Agency (EPA) rules no later than 3 years after the rules have been finalized.

Currently, the bill requires the cement industry to comply with EPA rules no earlier than five years after the rules have been finalized. The bill also allows indefinite noncompliance; there is no deadline set for industry compliance.

I have offered this amendment to ensure that the EPA has the ability to reduce toxic emissions from numerous industrial sources, including the cement industry, as they are required to do under the Clean Air Act. The EPA has issued 100 rules targeting 170 different types of facilities which have resulted in a 1.7 million ton reduction in air pollution per year. EPA rules are now being finalized for the cement kiln industry and these bills are intended to indefinitely delay compliance with EPA's Maximum Achievable Control Technology (MACT) standards, prior to their promulgation.

For more than 40 years the EPA has been charged with protecting our environment. There has been a consistent theme of chipping away at the ability of the EPA to protect our air. We have to consider the long term costs to public health if we fail to establish reasonable measures for clean air.

Outdoor air pollution is caused by small particles and ground level ozone that comes from car exhaust, smoke, road dust and factory emissions. Outdoor air quality is also affected by pollen from plants, crops and weeds. Particle pollution can be high any time of year and are higher near busy roads and where people burn wood.

When we inhale outdoor pollutants and pollen this can aggravate our lungs, and can lead us to developing the following conditions; chest pain, coughing, digestive problems, dizziness, fever, lethargy, sneezing, shortness of breath, throat irritation and watery eyes. Outdoor air pollution and pollen may also worsen chronic respiratory diseases, such as asthma. There are serious costs to our long term health. The EPA has promulgated rules and the public should be allowed to weigh in to determine if these rules are effective.

The purpose of having so many checks and balances within the EPA is to ensure that the needs of industries and the needs of our communities are addressed. This bill is a step in the wrong direction. The EPA has spent years reviewing these standards before attempting to issue regulations. The proposed regulations to the industrial boiler industry will significantly reduce mercury and toxic air pollution from power plants and electric utilities.

The EPA estimates that for every year this rule is not implemented, mercury and toxic air pollution will have a serious impact on public health.

Think for a moment about the lives that can be saved. We are talking about thousands of health complications and deaths. What more

do we need to know. According to the Natural Resources Defense Council, this rule would prevent the following:

9,000 premature deaths;
5,500 heart attacks;
58,000 asthma attacks;
6,000 hospital and emergency room visits;
6,000 cases of bronchitis; and
440,000 missed work days.

The EPA has done its due diligence; a comprehensive review of all aspects of these regulations has been done, and the EPA is currently in the process of revising its proposed rules in order to reflect industry concerns. If the EPA is willing to compromise, the cement industry must be as well.

I understand the economic impacts of regulation, but we must also act responsibly. We cannot ignore the public health risks of breathing polluted air, nor can we pretend that these emissions do not exacerbate global warming. Alternatively, we certainly do not want to hinder job creation and economic growth. Congress passed the Clean Air Act to allow the EPA to ensure that all Americans had access to clean air, and we must not strip the agency of that right.

Lest we forget that since 1999, Houston has exchanged titles with Los Angeles for the poorest air quality in the nation. The poor air quality is attributed to the amount of aerosols, particles of carbon and sulfates in the air. The carcinogens found in the air have been known to cause cancer, particularly in children. The EPA is the very agency charged with issuing regulations that would address this serious problem. This bill may very well jeopardize the air that we breathe, the water that we drink, our public lands, and our public health by deep funding cuts in priority initiatives.

My friends on the other side of the aisle seem much more interested in stripping the EPA of its authority than passing jobs legislation. It has been nearly 10 months since the Republicans took control of the House, promising the American people they would create jobs. As October begins, they have not offered a single jobs bill, nor have they brought President Obama's American Jobs Act to the floor for a vote.

The focus of this Congress must be on passing President Obama's American Jobs Act and other legislation that will create jobs and put the American people back to work. Last weekend, I had the opportunity to visit several small businesses at home in the 18th Congressional District of Texas. I was able to roll up my sleeves and get involved with the hard working men and women of Houston.

I visited Dr. German Ramos at the Canal Medical Center, where I had the opportunity to meet with Dr. Ramos and his employees. I visited Atlantic Petroleum and Mineral Resources where I met with President and CEO Donald Sheffield, and got to work at De Walt Construction Company, owned by single mother Wanda De Walt, who employs 15 people and wants to hire more. I also had the opportunity to visit floral shops, beauty salons, bakeries and other small businesses throughout Houston.

I spoke with these entrepreneurs and small business owners who represent America's biggest job creators, and their message was clear. These business owners and entrepreneurs encouraged me to work to pass powerful bipartisan, specific proposals to create jobs. It was a privilege to perform the hands on duties these hard working Houstonians do every day. We must engage and support entrepreneurs, innovators and small businesses to create jobs. I will be proposing a bill that will create jobs, and I look forward to bipartisan support.

Madam Chair, there are times in which we are 50 individual states, and there are times when we exist as a single nation with national needs. One state did not defend the nation after the attacks on Pearl Harbor. One state, on its own, did not end segregation and establish civil rights. Every so often, there comes an issue so vital we must unite beyond our districts, and beyond our states, and act as a nation, and protecting the quality of our air is one of those times.

I encourage my colleagues to support the Jackson Lee amendment in order to uphold the EPA's authority to enforce the Clean Air Act. By ensuring the cement industry must comply with finalized EPA regulations, we are protecting the quality of the air that all of our constituents breathe. Surely preventing illness and premature death by ensuring every American has access to clean air is not controversial. Again, I urge my colleagues to support my amendment.

Mr. WHITFIELD. Madam Chairman, I rise in opposition to the amendment.

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

Mr. WHITFIELD. Under the existing Clean Air Act, cement plants have 3 years to comply with section 112 standards; incinerators have 5 years to comply with section 129 standards. Because of the testimony that we heard over a series of hearings, the affected industry has indicated that they need some conformity in complying with these new regulations.

As you know, there were regulations adopted in 2005 or 2006 that were invalidated by the courts. EPA came back with new regulations that were a little bit more complicated, more strenuous; and as a result of that, we've discovered that these cement industries have had difficulty complying with the 112 and 129 within the time period. So our legislation simply directs the EPA to go back, relook at the regulations, and within 15 months come back with a new regulation and then give the industry 5 years to comply on the cement side and the incinerator side. So we provide some conformity in our legislation.

The gentlewoman from Texas is basically changing that back to 3 years. And the whole purpose of our legislation, because of the hearings, because of the technology required, it was quite evident that more time was needed. So we set a time period, a minimum time of 5 years to comply. The administrator of the EPA may grant additional time, if necessary, but we doubt that that would happen.

So for that reason, for a pragmatic reason, I would oppose the gentlewoman's amendment so that we can have some conformity in these regulations.

Ms. JACKSON LEE of Texas. Will the gentleman yield?

Mr. WHITFIELD. I yield to the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. I thank the gentleman.

I think the very argument that you just made is one that I would like to utilize and suggest that conformity could be 3 or 5. And I'm suggesting conformity should be 3 years, with the EPA doing just as you said, having the discretion to give more time. I think it shows us, as a Congress, being as balanced for jobs—which I know that you're trying to do—as trying to save lives. And there are lives that are impacted by the conditions that these companies generate.

□ 1700

Mr. WHITFIELD. Well, thank you very much.

Reclaiming my time, like I said, the purpose of our legislation is to extend it to 5 years because of the complications involved. And for that reason, I would respectfully oppose the gentlelady's amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

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

Ms. JACKSON LEE of Texas. 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 Texas will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

Mr QUIGLEY. 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:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM AVOIDABLE CASES OF CANCER.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are increasing the risk of cancer.

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

Mr. QUIGLEY. Madam Chair, my amendment permits the EPA to continue to enforce and finalize the regulations preempted by the bill at hand if the emissions limited by these regulations are found to cause cancer. In other words, this amendment says the administrator shall not delay actions to reduce the emissions from any cement kiln if such emissions are increasing the occurrence of cancer.

We stand here today having an argument that is predicated on the notion that when it comes to matters of job creation and environmental stewardship and protection of public health,

you can only have one or the other. You must pick between creating and retaining jobs, they'll tell you, or protecting and conserving our land, air, water, and keeping our public healthy. This is a false notion, born of scare tactics and the fact that those who purport these ideas aren't basing their beliefs on science.

There are both economic and societal factors involved. It's not an either/or. It's dollar signs, yes; but it's also lives, days in hospitals, cancer treatments, and trips to the emergency room for small children and the elderly.

Come to Chicago, the asthma morbidity and mortality capital of the United States.

Cement kilns are the third largest source of mercury emissions in the U.S. Mercury is a powerful neurotoxin that impacts and impairs the ability of infants and children to think and learn. The toxic air pollutants found in cement kiln emissions can cause cancer, and they do.

The toxic air pollutants found in cement kiln emissions damage the eyes, skin, and breathing passages. The toxic air pollutants found in cement kiln emissions harm the kidneys, lungs, and nervous systems. They cause pulmonary and cardiovascular disease and premature death.

The carcinogens found in cement kiln emissions include toxic air pollutants including mercury, arsenic, acid gases, hydrochloric acid, dioxins, and other harmful pollutants that add to the Nation's problems with soot and smog. They are known carcinogens, known carcinogens pumped from these sources into our air, into our land, and into our waters. They even land on the grass in Wisconsin eaten by cows and drunk in milk.

But don't take my word for it. Look at the numbers. Plain and simple, Madam Chair, the Clean Air Act saves lives. The Clean Air Act has saved the lives of over 160,000 people in the 40 years it has been on the books. This is not a number to be debated. In fact, this is a number that is conservatively estimated by the EPA.

This is not some inflated statistic designed for shock value or for any other reason. We know that the Clean Air Act has human value. Since 1990, EPA has set numeric emission limits on a pollutant-by-pollutant basis for more than 100 industry source categories. This approach has been a major success, reducing emissions of carcinogens and other highly toxic chemicals by 1.7 million tons each year.

Each of EPA's proposed rules would save thousands more lives each year. One example, an example we're dealing with today, pertains to the EPA's proposed rule regarding toxic emissions from cement kilns. This rule simply calls for cement kilns to meet numeric emission standards for mercury and other toxic pollutants.

This so-called ''job-killing'' rule is predicted to save up to 2,500 lives each year. The limit will annually prevent 1,500 heart attacks, 17,000 asthma attacks and over 1,700 hospital and emergency room visits and 130,000 days of missed work. Any rule that saves lives is a matter of public health.

We're dealing with skyrocketing rates of death due to asthma and burdening more children at earlier ages with lifelong and sometimes debilitating cases of asthma from particulate matter being pumped into our air.

A report released by the American Lung Association reported nearly 60 percent of Americans live in areas where air pollution has reached unhealthy levels that can and do make people sick.

These are measures that will help keep us alive and able to work. These are measures that will create jobs in the clean and green industrial industry.

Attacks on the Clean Air Act and the EPA's ability to regulate greenhouse gases are a huge piece of the larger climate crisis, a crisis that has a hefty cost: our lives. The need to crack down on greenhouse gas emissions is based on sound science, the results of hundreds of peer-reviewed studies that show their debilitating effects on our health and our planet—zero peer-reviewed studies that show that global warming does not exist and that man does not contribute to it.

We're asked to go back now. Why? Why are we considering legislation to halt rules that have been considered for now 10 years? This is beyond me. Why are we considering legislation to halt rules that will keep us at work, healthy and alive?

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

Mr. WHITFIELD. Madam Chair, I rise in opposition to the amendment.

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

Mr. WHITFIELD. This amendment directs the administrator of the EPA to implement current cement plants rules if emissions at cement kilns are increasing the risk of cancer. This amendment would, in effect, defeat the entire purpose of our legislation.

Our bill directs EPA to protect public health, also consider jobs and the effect of that on the economy, and all the aspects of American well-being, health benefits, not just one. So we think it's important that EPA consider all public health risks, not just cancer.

All of the testimony has indicated that there needs to be a more balanced approach in this cement rule issued by EPA. As you know, EPA first adopted a cement rule in 1999. They did another one in 2005. It was challenged in court. They came back with another one in 2006. That one is so vigorous that it's very difficult for the industry to meet those standards.

So for the fact that this amendment is focusing only on one public health risk, and I believe that it would defeat the entire purpose of our bill, which is to protect public health, but also to strengthen the economy by preventing a loss of jobs, and to look at the entire public health benefits, for that reason I would respectfully urge the defeat of this amendment.

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

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

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

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

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

AMENDMENT NO. 18 OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following section:

SEC. 6. PROTECTION FROM RESPIRATORY AND CARDIOVASCULAR ILLNESS AND DEATH.

Notwithstanding any other provision of this Act, the Administrator shall not delay actions pursuant to the rules identified in section 2(b) of this Act to reduce emissions from any cement kiln if such emissions are causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.

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

Mr. CONNOLLY of Virginia. Madam Chairman, this congressional session is not even a year old and the Republican leadership has already tried to pass more than 125 anti-environmental bills, amendments, and riders.

They started by attacking public health standards to reduce carbon dioxide pollution on the premise that we should trust oil-funded soothsayers over climatologists and reject the overwhelming scientific consensus that global warming is already occurring and threatens our environment and public health.

When the Republicans attacked greenhouse gas standards, they claimed that they, nonetheless, supported Clean Air Act standards to reduce toxic pollutants like mercury. After all, it was a Republican President who signed this legislation creating the Environmental Protection Agency more than 40 years ago.

A Republican President signed the Clean Air Act of 1970, which established the process that the EPA is using today to reduce toxic pollution, including mercury and dioxin. A Republican President signed the Clean Air Act amendments of 1990 establishing—steel yourself—a cap-and-trade program to reduce sulfur dioxide pollution. That Clean Air Act bill of 1990 also accelerated reductions of other toxic pollutants because Congress believed that

the EPA was not moving quickly enough to reduce toxic pollution.

□ 1710

All of these major clean air bills were passed by Democratic Congresses with Republican Presidents. While it may seem unbelievable in today's political climate, there was a time in the not-so-distant past when environmental protection had bipartisan support. As a result of the bipartisan effort to protect the environment, our economy grew while air pollution levels fell and public health improved.

Air quality here in Washington, D.C., in Los Angeles, and other major cities is healthier today than it was in 1970 thanks to the Clean Air Act. Our automobiles no longer emit unlimited quantities of asthma and lung cancer-causing pollution, or lead. Our power plants now have scrubbers to reduce the sulfur dioxide pollution that caused acid rain and poisoned rivers and streams throughout the United States before 1990. Mercury pollution has fallen 80 percent thanks to that act. Thanks to these improvements in air quality, the Clean Air Act saves approximately 160,000 lives a year by preventing deaths otherwise caused by pollution.

When this new Republican Congress attacked greenhouse gas regulations, they claimed that they would not reverse the improvements that the Clean Air Act has made in reducing toxic pollution. Of course, their attempt to block greenhouse gas pollution standards was only the opening salvo. This Republican House has passed dozens of bills and amendments effectively repealing the Clean Air Act by blocking regulation of soot, smog, and dioxin. Their assault on the Clean Air Act is so comprehensive that they have passed regulation to deregulate multiple kinds of soot. Today, we'll vote on a bill to deregulate mercury and other toxic pollution from cement factories.

This bill would not only deregulate mercury pollution from cement factories, it would also block the EPA public health standards for other deadly pollutants such as the particulate pollution that scars lung tissue and causes cancer and emphysema. Blocking public health standards for cement kilns will increase net costs for American taxpayers by $6.3 billion to $17.6 billion every year by increasing the incidence of heart attacks, lung cancer, asthma attacks, and developmental disabilities in children.

They claim that these antipublic health bills would create jobs. The fact is that while the Clean Air Act has reduced dangerous air pollution for the last 40 years, saving 160,000 lives last year alone, America's economy doubled in size. It didn't shrink, the sky didn't fall, and the worst predictions of our friends on the other side, not one of them came true.

I have introduced two amendments to H.R. 2681. I'm only going to move this one, Madam Chairman. This will clarify that the provisions in this bill will not go into effect if it causes respiratory illness, cardiac disease, other diseases, or death. This amendment would apply throughout the country, ensuring that rural, suburban, and urban Americans would be protected equally from reckless provisions in the underlying bill.

My amendment says, ''The administrator shall not delay actions to reduce emissions from any cement kiln if such emission is causing respiratory and cardiovascular illness and death, including cases of heart attacks, asthma attacks, and bronchitis.'' This ensures that if H.R. 2681 passes, God help us, we will not be increasing the rate of respiratory disease or sending more children to the hospital with asthma attacks. Since members of the majority claim to be equally concerned about the health of our constituents, I wanted to give them an opportunity to prove it.

I yield back the balance of my time.

Mr. WHITFIELD. I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to this amendment offered by the distinguished gentleman from Virginia.

I might also add that the last significant change to the Clean Air Act was back in 1990, and I don't think anyone would ever suggest that Congress does not have a right to go back and look at legislation that was passed 21 years ago and that there may be problems with some of that legislation.

There is no question that we've benefited from the Clean Air Act, but there is also no question that this administration, this EPA, has been the most aggressive in recent memory. They've been passing some of the most expensive regulations ever adopted by EPA, and it's having an impact on the economy because jobs are being lost as a direct result of many of these regulations.

Our bill has directed EPA to protect public health, to balance the economic needs, the jobs needs, all of this, as a part of an overall balanced view of EPA regulations.

Mr. CONNOLLY of Virginia. Will the gentleman yield?

Mr. WHITFIELD. I would be happy to yield.

Mr. CONNOLLY of Virginia. My colleague, whom I respect, said that we're losing jobs because of this onerous regulation. I'm just wondering if my colleague has any data on how many jobs were lost in the last 40 years due to the Clean Air Act—net.

Mr. WHITFIELD. Let me just say to you that the last 40 years, we've had a lot of economic expansion. Right now we've just come out of a recession. We have a 9.1 percent unemployment rate. Everyone's talking about jobs, and all of the testimony that we've received about these regulations indicates that jobs will be lost. So what's the difference then, if you lose a job, you lose a job? That makes unemployment rates go up.

I'm not debating with you that over the last 40 years, generally speaking, we've had economic expansion and job creation, but we're in a very unique time right now, and we think that this is a time in which we need a more balanced approach to some of these regulations.

Your amendment specifically looks at respiratory, cardiovascular illnesses, and death, including heart attacks, asthma attacks, and bronchitis. We know that EPA looks at all of this in its health benefits and costs, and we do not think it's necessary to specifically spell this out in our legislation. For that reason, I would respectfully oppose the amendment and ask Members to vote against the amendment.

I yield back the balance of my time.

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

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

Mr. CONNOLLY of Virginia. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 20 OFFERED BY MR. WELCH

Mr. WELCH. 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:

After section 1, insert the following section (and redesignate the subsequent sections, and conform internal cross-references, accordingly):

SEC. 2. FINDING.

The Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.

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

Mr. WELCH. Madam Chair, in this legislation there are findings. It is common in our legislation for there to be a finding section. This amendment would propose a finding for inclusion in this important legislation, and that finding would read that ''Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this act through the consumption of fish containing mercury, and every State in the Nation has issued at least one mercury advisory for fish consumption.''

So the question is, to the proponents of this legislation, as to whether there would be an objection to include this finding about mercury and the scientific community's absolute conclusion that mercury is hazardous to the

health of those who consume it. That's the question. If you believe that science has a place in our consideration of important legislation that affects health and safety, then it would suggest that you would want to have a finding affirming Congress's acceptance of the scientific conclusion that mercury causes harmful health effects.

So this amendment offers this Congress the opportunity to say the obvious, and that is: Mercury poisoning is bad for our health.

The reason why I ask that this Congress consider this finding is that this Congress has been debating the applicability of science to our deliberations. This is not a question of whether a regulation is onerous or not or the cost is too great for the benefits derived; it's a question of whether we will accept the responsibility to acknowledge that mercury does have significant detrimental health consequences. This should be acknowledged. It should be part of this legislation.

What this Congress cannot do, whatever its dispute is about the degree of regulation, the effectiveness of regulation, whether it's too onerous or not, is have the point of view that we can, by legislation, defy science. It does not allow us to do that.

So, Madam Chair, I urge that this Congress accept this finding, and I yield back the balance of my time.

□ 1720

Mr. CULBERSON. I rise in opposition to the amendment.

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

Mr. CULBERSON. Madam Chairman, the air contains mercury. The environment contains mercury from natural sources. The Communist Chinese, of course, are the world's largest polluter, and the plume of pollution from Communist China stretches all the way across the Pacific Ocean and covers up the Western and Central part of the United States.

This map, which I hope you can see there, Madam Chairman, shows the Western and Central U.S. covered by a plume of red. These are mercury deposits coming from Communist China. The United States, through the Clean Air Act and with the efforts of industry and individuals across the Nation, has dramatically reduced pollution levels in the air and in the water.

We are all committed to making sure that our kids are drinking clean water and breathing clean air. This amendment offered by the gentleman from Vermont is a simple statement that we find we're exposed to mercury. Congress might as well also issue a finding that we're exposed to carbon dioxide. I'm exposed to carbon dioxide right here. They're trying to make that a pollutant.

What the Obama Democrats have done to crush jobs in the cement industry is an illustration of what Obama Democrats have done in their attempt to crush job creation all over the United States.

In this EPA regulation on the cement industry, the Obama Democrats have set an impossibly high standard far beyond what even the European Union seeks. What the Obama Democrats attempt to impose on the cement industry is like asking them to win the decathlon, where you have to get a gold medal in every event. They've set, for example, this rule that 98 percent of all mercury has to be eliminated. The technology doesn't exist for that, yet the industry has to comply with the Obama Democrat rule by next September, wiping out much of the cement industry in the United States at a time when the construction industry in America is already in a state of depression.

It is evident from the record that the cement industry today is producing at a rate equivalent to 1962, yet the Obama Democrats seek to crush it further and eliminate more job creation in an absolutely vital sector of American industry, which will simply have the effect, as they have already done in so many other industries, of driving the work offshore—driving more cement production to Communist China, where they have no pollution controls.

For example, in the auto industry, the Obama Democrats have set automobile mileage standards so impossibly high that no automobile in America today can meet it other than the Prius. So the auto industry is going to be crushed. In the oil industry, they've set impossibly high standards for drilling in the Gulf of Mexico, driving offshore drilling to Brazil and other countries. All those big rigs are gone. They won't come back, but we're trying to open up drilling in the gulf.

In sector after sector after sector, Obama Democrats are crushing the American economy and crushing American business owners with impossible regulations that cannot be met.

This is common sense. Constitutional conservatives in the House are trying to get this economy back on track and to grow jobs by eliminating regulation, by cutting taxes, and by cutting spending. This legislation today is a straightforward, simple attempt to postpone the damage. All we can do by controlling the House is to stop the damage inflicted by Obama Democrats on the American economy. That's what we can do with this legislation.

Give us 5 years more to implement it until we get reinforcements and have a constitutionally conservative Senate and a constitutional conservative in the White House, which is when we can really grow this economy and cut taxes and cut spending and can put the Federal Government back in the box designed by the Founders.

Get out of my pocket. Get out of my way. Get off my back. Unleash American entrepreneurship, and you'll really see the American economy grow if you'd just leave us alone. Let Texans run Texas. Let Kentuckians run Kentucky. Let us manage our own businesses, our own families, our own affairs—to manage and invest and save or spend our own money in the way we wish.

You'll see American industry protect the environment, grow jobs, drill here and drill now for oil and gas safely and cleanly in the Gulf of Mexico and across the United States. You'll see the cement industry and the construction industry come back if we just stop crushing them with impossible regulations that cannot be met by any available technology anywhere on Earth.

For all of those reasons, I ask the Members of the House to oppose 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 Vermont (Mr. WELCH).

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

Mr. WHITFIELD. 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 Vermont will be postponed.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

Ms. MOORE. 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:

Add at the end of the bill the following:

SEC. 6. DELAYED EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall not take effect until the President certifies that implementation of this Act—

(1) will not adversely affect public health in the United States; and

(2) will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

(b) DETERMINATION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the President shall publish in the Federal Register—

(1) the certification described in subsection (a); or

(2) an explanation of why such certification is not warranted.

The Acting CHAIR. The gentlewoman from Wisconsin is recognized for 5 minutes.

Ms. MOORE. Madam Chair, my amendment would simply require that the President certify that this bill will not have an adverse effect on the health of Americans. It would specifically and additionally ensure that the legislation would not result in a disproportionately adverse impact on at-risk subpopulations.

I would submit that the majority should be enthused about my amendment to require the President to certify that the delay of cement kiln standards won't harm the public health of Americans and have this disproportionate adverse impact. This is since we have heard all day the majority speak of how the majority of mercury,

for example, comes from natural sources, that it comes from foreign sources from the Pacific to the Mississippi, and that the dangers of mercury should not be unfairly burdened and blamed on cement kilns.

This Presidential certification would allow them to rebut those assertions. This Presidential certification would allow them to rebut that cement kilns are the second-largest source of airborne mercury pollution in the United States or that mercury is a powerful neurotoxin that can affect the mental development of children.

Since this majority has questioned the methodology of the EPA findings using OMB standards, the assumptions, they should welcome this Presidential finding to rebut the assertion that EPA has made that cement kilns also emit lead, arsenic, and other toxic metals that could be carcinogenic and seriously dangerous.

We do know that, throughout the history of the Clean Air Act, we have seen tremendous benefits in quality of life for Americans. Under the Clean Air Act, the individual emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year through actions taken, voluntarily in many cases, by more than 170 industries. The health benefits just keep adding up, and they've been tremendously important. In 2010, the reductions in fine particles and ozone pollution from the 1990 Clean Air Act amendments prevented more than 160,000 cases of premature mortality, 130,000 heart attacks, 13 million lost workdays, and 1.7 million asthma attacks.

But there is so much more work to be done.

This neurotoxin is widespread in our Nation's waterways. Currently, 48 States have issued fish consumption advisories due to mercury contamination, including 23 States that have issued Statewide advisories for all of their lakes and rivers. My district, of course, in Milwaukee, Wisconsin, is located on one of the Great Lakes, which is a major resource for my community, for the region and, indeed, for the world, and it has been subject to large amounts of mercury contamination from airborne pollutants.

I would certainly be interested in a Presidential certification and in the assurance that the delay of this bill would not have an adverse impact on my constituents. The Great Lakes Regional Collaboration Mercury Emissions Reduction Strategy compiled mercury emissions data for the eight Great Lakes States and found that, in 2005, Portland cement plants in these States emitted 1.4 tons of mercury, which is roughly 4 percent of the total of 34.9 tons.

□ 1730

I would be immensely, Madam Chair, interested in a certification by the President of the United States that indeed, indeed, this mercury contamination was not caused by these cement kilns but, instead, was caused by natural causes or from foreign sources. This, I think, would vindicate those who are trying to delay this process, and it would work toward advancing their theory that economic development should not be hindered by untoward, unproven health concerns.

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

Mr. CARTER. Madam Chair, I rise in opposition to the amendment.

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

Mr. CARTER. Madam Chair, this amendment should really be called the ''Moore veto amendment'' because what it effectively does is veto this bill.

I would point out that Paul Valberg, former member of the Harvard School of Public Health, testified before the Energy and Commerce Committee that by every public health measure, from infant mortality to life expectancy, we are healthier today and exposed to fewer hazards than ever before.

Our present-day air is much cleaner than it was a year ago, and our air quality is among the best in the world. H.R. 2681 does not change or modify any existing public health protection. It simply sets forth a process for EPA to implement stronger protections as called for in the Clean Air Act that are achievable, and the issue here is achievability. Standards in this act are set in such a manner that it's going to take time to achieve these emissions.

As we pointed out, the EU, which is supposedly one of the standards of the world on air and water quality, has set a standard that ours is five times less onerous than the one that is being imposed by the EPA; and, arguably, the industry says meeting that standard is going to take more technology and more time.

This bill simply directs the EPA to follow the language of the Clean Air Act statute and write standards that real-world cement plants can meet. It may be the EU standards are the standards they can meet. I am not here to make that determination.

But the standards that we are presently asked to meet in the cement industry are not attainable at this time, and it takes time to make it work.

Well, in H.R. 2681, the costs are certain. It's going to be astronomical and certain enough that the businesses tell us that it will shut down plants. And when you shut down a plant, you kill jobs and the labor that works in that plant will be unemployed; and that will be part of the unemployment figures we will read within the next year as the plant shuts down.

So achievable standards give you the opportunity to work towards the objective that we're all seeking here. But unachievable standards cause panic, cause excess costs, and that unachievable regulation causes the industries, some of which are not tied together, they are separate companies owned by separate people, to say we can't meet this standard, not within the time we have been given.

We might as well shut the plant and go someplace else, and so they shut the plant and go someplace else. Americans lose jobs that pay $65,000 to $80,000 a year, and the plant goes over to China and joins in China's belch of mercury—which many people have talked about here today—that sweeps across our country every day because they don't meet the clean air standards that we already meet in this great Nation.

At some point in time, reasonableness and common sense have to come into these regulations. Give the industry a chance to achieve something that is achievable, and that's what this bill does. It says, take another look, come up with achievable standards, and then give us the time to achieve them. I don't think that is an unreasonable position to take.

I think it's the proper position to take to save this industry, the cement industry, from possible annihilation in this country; and soon we would face, once again, people saying why are all the cement jobs overseas.

Madam Chair, I oppose the Moore amendment. I was tempted to call this the ''fox watching the hen house amendment,'' but I'm not going to do that.

We need to get this done, and having veto power over this amendment is not the suggestion that is relative to the debate we are having here today.

I ask that there be a ''no'' vote on this amendment, and I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

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

Mr. WAXMAN. This amendment says that the President, whoever that President is or will be, would certify that implementation of the act will not adversely affect public health in the country and will not have a disproportionate impact, a negative impact on sub-populations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

I don't know how my Republican colleagues can oppose that. First of all, I didn't like that little slur that I heard about the President of the United States. I think the President would make an honest call. I trust any President of the United States to make an honest call if this amendment were adopted.

But the whole idea of our environmental laws is that we could all live together. If an elderly person is more susceptible to asthma, and if children are more susceptible to harm from air pollution, we don't want to say that they have to live somewhere else. We should all be able to live together. But

there are some sub-populations that are at greater risk; and we ought to recognize that, especially low-income populations.

A lot of minority groups are more susceptible to asthma. And when you talk about minority and low-income people, they don't have houses where they can send their kids down to the playroom. They can have their kids play outside, and they are going to be breathing in a lot of this air pollution.

So I think that before we implement this law to delay for 6, 8, 10 years any impact to control the harmful air pollution, we ought to have some certification that we are not going to be putting these populations at risk.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Texas.

Mr. CULBERSON. Mr. WAXMAN, there is no definition of ''adverse'' in the act. That's in this amendment. That's one of the concerns. If there's any adverse impact, then the act doesn't go into effect, nor is there any definition of ''disproportionately.'' Those terms are not defined. Would you agree there is no definition?

Mr. WAXMAN. No, I don't agree with you. First of all, it says ''adverse.'' I think adverse is pretty understandable. Adverse would be negative, negative.

Mr. CULBERSON. Any negative.

Mr. WAXMAN. Well, negative to air pollution. We're talking about air pollution, the harm from air pollution. We are talking about asthma, cancer. Toxic pollutants can cause brain damage.

We're not talking about some inconvenience to them. We're talking about adverse public health impact on the public in the United States, first of all, and then a disproportionate negative impact on sub-populations that are most at risk for hazardous air pollutants.

Mr. CULBERSON. Will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman.

Mr. CULBERSON. If there is any adverse impact or any disproportionate negative impact, the act is not going to affect that, no matter how small.

Mr. WAXMAN. It says will not have a disproportionate negative impact or adversely affect public health. I think the language is clear enough for the President to make a finding and get the guidance on it in order to determine whether this bill should be held up.

So we may disagree, but I don't think that the language is poorly drafted. I think it's pretty clearly drafted, and I would support the amendment.

I yield back the balance of my time.

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

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

Ms. MOORE. 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 Wisconsin will be postponed.

□ 1740

AMENDMENT NO. 14 OFFERED BY MR. ELLISON

Mr. ELLISON. 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 5, after line 8, insert the following subsection:

(c) NOTICE IN FEDERAL REGISTER.—Not later than 60 days after the date of enactment of this Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants until the compliance date of the rules required by subsection (a) instead of the compliance date of the rules made ineffective by subsection (b).

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

Mr. ELLISON. Madam Chair, this amendment is very simple. All it says is that if we're going to delay these important rules, these lifesaving rules, then the EPA would be required to publish in the Federal Register the public health impact of delaying this regulation.

For example, one of the public health impacts of clean air standards for cement plants is the prevention of 17,000 cases of asthma. All we're saying is that transparency, information given to the public, so the public will know what the impact of these delayed regulations will be.

I can see no reason why Republicans wouldn't adopt a commonsense amendment like this because, quite frankly, if they feel this is such an important measure that they clearly acknowledge based on their response to the last amendment offered, they acknowledged that there will be health impacts, they most certainly would have to agree that telling the public what the health impacts will be would be a fair and important thing to do.

So my amendment is very simple. As we delay these important environmental regulations, they are proposing delaying these important environmental regulations to protect people from dirty air emitted from cement plants, let's just tell the public how many heart attacks, how many asthma attacks, how many deaths, how much mercury contamination, how much lead and arsenic will impact the health of our citizens. How much cancer. What will be the health impacts of delaying these important rules; let's print it in the Federal Register.

I'm sure that people who favor this legislation would be happy to say, you know what, yes, we're giving you cancer; yes, we're giving you heart attacks; yes, we're giving you asthma attacks, but we have to do it because we believe it'll save jobs. You have to be sick so somebody might theoretically be able to get a job in a cement plant.

The fact is, as I pointed out many times, it's a false choice between a job and a regulation. It's a false choice between economic activity and clean air and a healthy environment. But since my friends on the other end of the aisle want to make the case that we need to delay these important environmental regulations in order to promote jobs, at least let's talk about and be honest with the public about the health impacts.

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

Mr. WHITFIELD. Madam Chair, I move to strike the last word.

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

Mr. WHITFIELD. I rise in opposition to this amendment for a couple of reasons. Number one, because EPA has already comprehensively and exhaustively examined the health benefits cost and every other analysis relating to their regulations. We have voluminous information about those benefits.

I would also say that we've heard testimony after testimony from experts who say that you cannot in any way with certainty say how many lives are going to be saved, how many people are not going to be put in the hospital, how many cases of asthma are going to be not contracted because of passing a regulation or not passing a regulation. They have models. They come up with estimates, and there's not anything in this amendment that would provide any more certainty. And for that reason, I oppose the amendment and ask that it be defeated.

I yield back the balance of my time.

Mr. WAXMAN. Madam Chair, I rise in support of the amendment.

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

Mr. WAXMAN. I yield to the author of the amendment.

Mr. ELLISON. I just want to make a few points in rebuttal.

First of all, Congresswoman CAPPS offered an amendment that contained the EPA findings on the health impact, and that was opposed pretty vigorously. We could have known for the public record; we would have had it there. That was opposed, though. So the response that we just heard from the other side of the aisle is interesting, to say the least.

The other important point, the fact is, if you believe this is an important measure to pass, why not disclose this to the public, let the public know what we're getting into, and I would think this would be a commonsense measure and would get approval from all sides.

Mr. WAXMAN. Reclaiming my time, I think the public has a right to know, and I don't think the Congress of the United States ought to deny them that information. As I heard the argument from the gentleman from Kentucky,

it's already been evaluated and is in the record by the EPA. I think putting it in the CONGRESSIONAL RECORD is not even enough. If the public wants to know, we ought to have full-page ads in the newspapers. That's my view.

But that's not as far as the amendment would go, simply to put it in the Federal Register and hope that the press would pick it up and inform people. Let people know. Don't pass a bill to let the cement kilns avoid coming to terms with regulations that will protect the public health from all of these different incidents of serious diseases and then not tell the American people that we've let them off the hook and they should understand one of the consequences will be all of these diseases and all of these deaths that otherwise could have been prevented.

So I strongly support the gentleman's amendment, and I yield back the balance of my time.

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

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

Mr. ELLISON. 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 Minnesota will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in the CONGRESSIONAL RECORD on which further proceedings were postponed, in the following order:

Amendment No. 11 by Mr. WAXMAN of California.

Amendment No. 7 by Mr. RUSH of Illinois.

Amendment No. 17 by Mrs. CAPPS of California.

Amendment No. 1 by Ms. SCHAKOWSKY of Illinois.

Amendment No. 9 by Mr. WAXMAN of California.

Amendment No. 16 by Mr. WAXMAN of California.

Amendment No. 21 by Mr. PALLONE of New Jersey.

Amendment No. 4 by Ms. JACKSON LEE of Texas.

Amendment No. 8 by Mr. QUIGLEY of Illinois.

Amendment No. 18 by Mr. CONNOLLY of Virginia.

Amendment No. 20 by Mr. WELCH of Vermont.

Amendment No. 2 by Ms. MOORE of Wisconsin.

Amendment No. 14 by Mr. ELLISON of Minnesota.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 11 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 166, noes 246, not voting 21, as follows:

[Roll No. 747]

AYES—166

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Price (NC)
Quigley
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—246

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
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)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Boren
Cohen
Davis (CA)
Deutch
Engel
Giffords
Larson (CT)
Lowey
Maloney
McIntyre
Nadler
Pastor (AZ)
Polis
Rangel
Ryan (OH)
Schwartz
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

□ 1811

Messrs. AMODEI, BENISHEK, THOMPSON of Pennsylvania, FLORES, CANSECO, WALBERG, BISHOP of Utah, ROE of Tennessee and Mrs. BLACK changed their vote from ''aye'' to ''no.''

Messrs. GENE GREEN of Texas and BISHOP of Georgia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. MCINTRYE. Madam Chair, on rollcall No. 747, had I been present, I would have voted ''aye.''

AMENDMENT NO. 7 OFFERED BY MR. RUSH

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the amendment offered by the gentleman from Illinois (Mr. RUSH) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 251, not voting 20, as follows:

[Roll No. 748]

AYES—162

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Ribble
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—251

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—20

Bachmann
Boren
Cohen
Culberson
Davis (CA)
DeFazio
Dreier
Giffords
Goodlatte
Gutierrez
Larson (CT)
Lowey
Maloney
Polis
Ryan (OH)
Sarbanes
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GOODLATTE. Madam Chair, on rollcall No. 748, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 17 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 ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 254, not voting 21, as follows:

[Roll No. 749]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly (VA)
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Ellison
Engel
Eshoo
Farr
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Biggert
Bilirakis
Bishop (GA)
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
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz

Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—21

Bachmann
Berg
Bilbray
Boren
Cohen
Conyers
Davis (CA)
Edwards
Fattah
Giffords
Hunter
Johnson, Sam
Larson (CT)
Lowey
Maloney
Polis
Sullivan
Sutton
Thompson (MS)
Wilson (FL)
Yarmuth

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1818

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. DAVIS of California. Madam Chair, on rollcall Nos. 747, 748, and 749, I was unable to vote. Had I been present I would have voted on 747—"yes," on 748—"yes," and on 749—"yes."

AMENDMENT NO. 1 OFFERED BY MS. SCHAKOWSKY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Illinois (Ms. SCHAKOWSKY) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 248, not voting 10, as follows:

[Roll No. 750]

AYES—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Burton (IN)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Hirono
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1822

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 9 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 254, not voting 12, as follows:

[Roll No. 751]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
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
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Bachmann
Boren
Canseco
Giffords
Gohmert
Larson (CT)
Maloney
McMorris Rodgers
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1826

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CANSECO. Madam Chair, on rollcall No. 751, had I been present, I would have voted "no.".

AMENDMENT NO. 16 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 254, not voting 10, as follows:

[Roll No. 752]

AYES—169

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—254

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole

Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)
Yoder

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1830

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 21 OFFERED BY MR. PALLONE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. PALLONE) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 253, not voting 14, as follows:

[Roll No. 753]

AYES—166

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bachmann
Boren
Deutch
Emerson
Franks (AZ)
Giffords
Griffith (VA)
Larson (CT)
Maloney
Perlmutter
Polis
Sutton
Thompson (MS)
Wilson (FL)

□ 1833

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 262, not voting 9, as follows:

[Roll No. 754]

AYES—162

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
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
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1837

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 175, noes 248, not voting 10, as follows:

[Roll No. 755]

AYES—175

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)

Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Giffords
Gohmert
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1840

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 18 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 Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 248, not voting 9, as follows:

[Roll No. 756]

AYES—176

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—248

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
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
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—9

Bachmann
Boren
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1846

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 20 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 249, not voting 10, as follows:

[Roll No. 757]

AYES—174

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reichert
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wolf
Woolsey
Yarmuth

NOES—249

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining in this vote.

□ 1850

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 256, not voting 10, as follows:

[Roll No. 758]

AYES—167

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—256

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger

Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—10

Bachmann
Boren
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1853

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 14 OFFERED BY MR. ELLISON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Minnesota (Mr. ELLISON) 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 170, noes 252, not voting 11, as follows:

[Roll No. 759]

AYES—170

Ackerman
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Woolsey
Yarmuth

NOES—252

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachus
Barletta
Barrow
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
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
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
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
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
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Bachmann
Boren
Cardoza
Dicks
Giffords
Larson (CT)
Maloney
Polis
Sutton
Thompson (MS)
Wilson (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). One minute remains in this vote.

□ 1857

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Madam Chair, on October 5, 2011, I was not present for rollcall votes 747–759 due to the death of a close family friend. If I had been present for these votes, I would have voted: ''aye'' on rollcall vote 747; ''aye'' on rollcall vote 748; ''aye'' on rollcall vote 749; ''aye'' on rollcall vote 750; ''aye'' on rollcall vote 751; ''aye'' on rollcall vote 752; ''aye'' on rollcall vote 753; ''aye'' on rollcall vote 754; ''aye'' on rollcall vote 755; ''aye'' on rollcall vote 756; ''aye'' on rollcall vote 757; ''aye'' on rollcall vote 758; ''aye'' on rollcall vote 759.

AMENDMENT NO. 23 OFFERED BY MR. COHEN

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

The Acting CHAIR (Mr. ROSS of Florida). The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 11, strike ''and'' after the semicolon.

Page 6, line 12, strike ''impacts.'' and insert ''impacts; and''.

Page 6, after line 12, insert the following subparagraph:

(F) potential reductions in the number of illness-related absences from work due to respiratory or other illnesses.

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

□ 1900

Mr. COHEN. Mr. Chair, my amendment simply requires—it's a very simple amendment—that the Environmental Protection Agency administrator consider the potential reductions in the number of illness-related absences from work when establishing a compliance date for this cement kiln rule.

Cement kilns are the second-largest source of airborne mercury pollution in the United States and also a leading emitter of lead, arsenic, and other toxic dangerous metals—nothing, of course, that anybody on either side of the aisle would like to see floating around the atmosphere and absorbed in our bodies. Dramatically reducing the amount of toxic pollutants cement kilns can spew in our Nation's air and water will make America a healthier, more productive nation.

The EPA projects that every year that this particular rule is applicable, the administration's cement kiln rule will prevent up to 2,500 premature deaths, 17,000 asthma attacks, and 130,000 days when people will be too sick to go to work. Despite the erroneous claims from a handful of vocal individuals within the cement industry that this rule will ruin the economy, the truth is the cement kiln rule will strengthen America's economy and the American worker because cement kilns emit thousands of pounds of mercury and acid gases every year, thousands of workers are unable to go to work because they are simply too sick, meaning every day hardworking Americans are unable to work and earn a paycheck so they can put food on their family's table. Not only are these hardworking Americans not generating income, but many of them are forced to spend their limited income on doctors' bills, emergency room visits, and expensive medicines.

These Americans want to work. They want to be productive citizens. Their employers want them to work, but the employers are spewing environmental disaster into the air that prevents them from working. Despite their most sincere interest and desire to put in a hard day's work, they can't because the dirty cement kiln is spewing toxic pollutants into the air making them sick and making them drive to the hospital instead of their offices.

If the EPA administrator has to factor in issues such as potential net employee impacts when establishing compliance dates when they shouldn't, the administrator also will have to factor in potential reductions in the number of illness-related absences from work. But what good is saving 1 day's work at a cement plant if it means that dozens of people will be too sick to go to work that day?

If the United States is going to retain its status as the world's economic engine, then we need to have the world's healthiest and most productive workforce. But that will not happen if we continue to let a handful of dirty cement kilns scattered across the country undermine the health and well-being of thousands of American workers.

I encourage my colleagues to understand the importance of a healthy workforce and support my amendment. We must recognize that any establishment of a compliance date that does not factor the health of the American workforce is fundamentally flawed and inadequate.

I also would mention that this will affect horses, for horses and animals, dogs and horses will breathe in the same air and it will affect their well-being—well noted. On behalf of the hundreds and thousands of American workers and animals who have been forced to miss work because of the sickness incurred by breathing in toxic pollutants from cement kilns, I ask you to support this amendment. It's time for this Congress to stand up to protect our Nation's most valuable resource, the American worker, and also the American worker's best friend, his dog, and sometimes his horse.

I urge passage of my amendment, and I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. I certainly want to thank the gentleman from Tennessee for offering this amendment and particularly pointing out that it relates to animals as well as people, and I would say that from our analysis, certainly EPA considers work-related illnesses and absences when they issue these regulations, and the specific section of the bill, H.R. 2681, which the gentleman from Tennessee is amending relates to the provisions that the administrator must consider relating to the industry in trying to comply with the regulation.

This amendment would add to that illness-related work absences would have to be considered as well, and we think that that would really be duplicative of what they already considered. And because of that, despite the great respect we have for the gentleman from Tennessee, I would urge that this amendment not be adopted and urge other Members to vote ''no'' on the amendment.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

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

Mr. WAXMAN. I would yield to the gentleman from Tennessee if he wishes to make any further statements.

Mr. COHEN. Mr. Chair, I respect the gentleman from Kentucky greatly and appreciate his remarks, but I would say if his position is there's no harm, no foul, if there's no harm, no foul and it's duplicative, then there's no reason not to adopt it in case he's wrong, and I think he is. I think it does add something. So the best case is you protect the worker, and the worst case is you have a couple of extra sentences in the law that make no difference.

So I would ask that we all join together in a bipartisan Kumbaya moment that we've been missing and need to have again, and I ask you to support it.

Mr. WAXMAN. In light of that argument, I'd be pleased to yield to the gentleman from Kentucky if he's now been convinced of the rebuttal. If not, I will yield back my time.

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. KEATING

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, beginning on line 13, strike paragraph (1) and insert the following paragraph (and redesignate the subsequent paragraph accordingly):

(1) shall establish a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3));

(2) may, if the Administrator determines there is a compelling reason to extend the date for such compliance, provide an extension, in addition to any extension under section 112(i)(3)(B) of such Act (42 U.S.C. 7412(i)(3)(B)), extending the date for such compliance up to one year, but in no case beyond the date that is 5 years after the effective date of such regulation; and

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

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

Mr. KEATING. Mr. Chairman, this bill gives the impression that we're going to deal with this issue in 5 years. If you look at the bill carefully, you will find out, Mr. Chair, that indeed what it could postpone is the effect of this amendment forever. In fact, in terms of pollution, in terms of toxins, this is the equivalent of the ''pollution road to nowhere'' where there's no ending in sight, none that will ever be reached, and it's just nothing but a guise for the people to think they're doing something within the 5-year timeframe.

Now, my amendment would allow the 5 years, but it would be a maximum of

5 years before the source has to be implemented and the appropriate changes are met in terms of emissions.

Now, what else would this amendment do? This amendment would save 10,000 related deaths, avert 6,000 heart attacks, avoid nearly 70,000 asthma attacks, and the pollution reductions required in this rule would cut mercury emissions from cement kilns by over 90 percent.

As all of us know, Mr. Chairman, mercury is a poisonous substance that affects the ability of infants and children to learn and to think. It also results in birth defects and cognitive disabilities. Cement kilns emit lead and arsenic which cause cancer and damage the nervous system.

Now let's line up the costs and benefits. The costs—birth defects, cognitive disabilities, cancer, heart attacks, asthma, and attacks on the nervous system—are on one side of the ledger. On the other side of the ledger are marginal savings by the companies for not doing what they really should be doing in terms of keeping people safe.

Now let's add up the cost of that versus the cost of all those ailments, all those things that affect young people and that will affect taxpayers funding this for decades to come, a multiple of whatever savings is there for the industries that are in question.

So I hope this amendment passes. I think what this attempts to do is say let's cut through the guile. If you mean 5 years, you mean 5 years. And so we should be in agreement on this if that is indeed the case. And I hope this amendment gets the support from my colleagues that believe 5 years is a reasonable time.

I yield back the balance of my time.

□ 1910

Mr. WHITFIELD. Mr. Chairman, I move to strike the last word.

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

Mr. WHITFIELD. The amendment offered by the gentleman would set a 3-year compliance date and allow case-by-case extensions for up to 2 years if the administrator of EPA determines that there is a compelling need to do so.

The purpose, of course, of this legislation is to protect health, provide feasibility and regulatory certainty, protect jobs, and minimize plant shutdowns. Under the Clean Air Act, sources already have 3 years to comply with section 112 standards for cement kilns, with a potential 1-year extension by the EPA administrator or a State-permitting authority. This amendment would allow for a second possible 1-year extension, so a source might be able to get 5 years for compliance. The amendment would impose additional regulatory burdens on both the EPA and those facilities trying to comply. It would require a facility to compile evidence to justify the need for an additional year, and would require the administrator to make a case-by-case determination about whether that justification is compelling.

All of the testimony in the hearings on this indicated that the current 3-year compliance timeframe is simply not workable and a definitive period of at least 5 years is needed. And so for that reason, with all due respect, we would urge the defeat of the gentleman's amendment.

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

Mr. WAXMAN. Mr. Chair, I rise in support of the pending amendment.

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

Mr. WAXMAN. I would like to yield to the author of the amendment, the gentleman from Massachusetts.

Mr. KEATING. I thank the gentleman for yielding.

I would just say this: When you talk about certainty, the only thing that is certain about this bill is there's no end to it. So if you call certainty meaning there's no timeframe that can ever be reached for certain, then I don't understand the paradox.

And when you're talking about the cost to the EPA and the marginal cost that might be there to the industry in terms of savings, that pales in comparison—by multiples—to the cost that taxpayers are going to have to pay for the cognitive disabilities, the birth defects of infants and young children that will be borne, in most cases, by the taxpayer because we're not making these industries do what they're supposed to do.

Mr. WAXMAN. I want to reclaim my time because the gentleman is absolutely correct. There is no end point to when there would be compliance so that we can get the health benefits because of that compliance.

But let's go through the bill again. The bill would nullify EPA's emission standards for cement kilns. It ensures that if EPA is able to issue a new standard, the new standard would be less protective of public health and more protective of the cement manufacturers' profits. And even then, the bill allows for implementation of any new standard to be indefinitely delayed. It blocks EPA from requiring cement kilns to comply with the new rules for at least 5 years, and fails to establish any deadline for compliance whatsoever. This could allow cement kilns to continue to pollute without limit indefinitely.

I support this amendment because it would use this existing framework of the bill as a baseline for compliance, but it would also allow the administrator to provide additional extensions of 1 year for existing sources if she determines there is a compelling reason. No polluter can have more than 5 years to comply. Already under the Clean Air Act, every facility has complied no later than 3 years after the limits go into effect.

Over the past 20 years, tens of thousands of sources across about 100 industries have cleaned up their toxic air pollution within that 3-year period. I think the statutory timeframe is sufficient. Five years is a long time to wait for the communities living in the shadow of these cement kilns. At least this amendment sets an outer bound for when cement kilns will have to comply, unlike the underlying legislation.

I urge my colleagues to support the amendment.

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

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

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. EDWARDS

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

After section 1, insert the following section (and redesignate the subsequent sections accordingly):

SEC. 2. FINDING.

The Congress finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of $6,700,000,000 to $18,000,000,000, while the costs of such rules are $926,000,000 to $950,000,000.

Page 5, line 11, strike ''section 2'' and insert ''section 3''.

Page 6, line 14, strike ''section 2(a)(1)'' and insert ''section 3(a)(1)''.

Page 7, line 8, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 7, lines 9 and 10, strike ''section 2(b)(2)'' and insert ''section 3(b)(2)''.

Page 8, line 3, strike ''section 2(a)'' and insert ''section 3(a)''.

Page 8, line 14, strike ''section 2(a)'' and insert ''section 3(a)''.

The Acting CHAIR. The gentlewoman from Maryland is recognized for 5 minutes.

Ms. EDWARDS. Mr. Chairman, I think it's important for us to take a step back and review our history.

The Clean Air Act has a proven 40-year track record of delivering technological innovation and economic growth for the American people while at the same time protecting public health and our Nation's environment. This bipartisan act was originally signed into law by President Richard Nixon, and the 1990 amendments were enacted by President George H.W. Bush. Unfortunately, my Republican colleagues here today don't see eye to eye even with their own party's former Presidents.

Since its inception, the Clean Air Act has netted Americans $40 in benefits for every $1 that's been spent, making it one of the most successful and significant statutes in our Nation's history. My amendment highlights the

fact that if the rules repealed by this bill remained in effect, they would yield annual public health benefits of between $6.7 billion and $18 billion, at a cost of under $1 billion.

The benefit of complying with the EPA's cement kiln standards exceeds the cost by a factor of at least 7 and as much as 18. And let's say this in really plain language: That is between a 700 percent to an 1,800 percent return on an investment. It sounds like a good investment. And these returns come from avoiding the health care and social costs associated with 2,500 premature deaths, 1,500 heart attacks, 17,000 cases of aggravated asthma, 32,000 cases of respiratory illnesses each year, the cost of 1,000 emergency room visits, 740 hospital admissions, multiple trips to the doctor and taking prescription drugs, and the cost of 130,000 days of missed work a year, costs felt by employers in the form of lost productivity and the employee in the form of lost wages. One person working 7 days a week would have to work 356 years to reach 130,000 days.

This very extreme analogy makes a simple point. If we put it in perspective, the cement industry employs 13,000 workers. And if those workers took the 130,000 sick days, it would shut down the entire cement industry for 10 days every year.

A study published in the May 2011 Health Affairs found that we spend $76 billion a year treating environmental diseases in children like lead poisoning, prenatal methylmercury exposure, childhood cancer, asthma, intellectual disability, autism, and ADHD. Now, cement factory emissions may not be responsible for every one of these instances, but cement kilns are the second-largest source of airborne mercury pollution in the United States—after power plants. It's extraordinary. Mercury is a powerful neurotoxin that when ingested, particularly by pregnant women, in the form of fish, can impair cognitive function in infants and children. In 2000, the National Research Council warned that 60,000 children could be born annually with neurological problems from exposure to mercury while in the womb.

It's a simple fact: At a time when our Nation is struggling with budget deficits, we should be targeting the causes of disease and acting to reduce the need for health care spending. And yet producers of toxic emissions need to step up and assume their fair share of responsibility.

Now, those who want to gut the EPA cement kiln standards say that complying with these rules would force them to jack up the price of cement and drive consumers—mostly construction companies—to buy cheap imports from China instead. It's not true, and it's just a scare tactic. Instead, look at the facts. The EPA estimates that cement makers would recoup nearly 90 percent of their pollution control costs—which are anyway amortized over years of operation—by adding just $4.50 to the price of a ton of cement. This is not a prohibitive hike. And more importantly, cement is expensive to ship, and so the likelihood of shipping it from China seems highly skeptical. The truth is that the cement sector is vulnerable because the construction industry has taken a big hit in the recession and hasn't recovered. And here we're in a Congress trying to gut EPA standards when we actually should be creating jobs.

And if you want to talk about job killers, this bill is a job killer because we should be investing in the industry, allowing it to produce cement for roads, bridges, all of our infrastructure instead of gutting EPA standards. There's no way to do this except by investing in infrastructure.

And so I would urge us to look at the real cost of lowering these standards, the real cost to industry, and urge us instead to think about the Clean Air Act and the benefits to communities, and make sure that we pass this amendment.

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

□ 1920

Mr. WHITFIELD. I move to strike the last word.

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

Mr. WHITFIELD. The last time that the Clean Air Act was amended in any significant way was 1990, over 21 years ago. And Congress certainly has the responsibility, from time to time, to look at the Clean Air Act to make changes when we believe changes should be made. And with the current situation in our economy, and the high unemployment and the number of concerns expressed by industries around the country, as well as individuals about the lack of jobs, we made a decision that we would start questioning some of the regulations coming out of the EPA.

The gentlelady from Maryland, who is a very effective Member of this body, is suggesting that, in our legislation, that we adopt as a finding the health benefits and costs as computed by EPA.

Now, we have difficulty just adopting their health benefits and costs and putting it in our legislation as a finding for a number of reasons. Number one, we don't really know the assumptions that they're using. Number two, many universities and others have questioned the models being used by EPA in computing costs and benefits. And many people have found that there is a lack of transparency in the methodology used at EPA in making many of these calculations.

I might also say that, because of that, for example, EPA determined that the cost of these rules would be between $926 million to $950 million; and yet other independent analyses have indicated that the cost would be anywhere up to $3.4 billion. So we genuinely believe that for Congress to simply take those calculations and put them in as a finding of this legislation would be irresponsible.

I might also add that, with respect to the benefits, EPA itself has acknowledged that it has not even quantified the benefits from the reductions of hazardous air pollutants, which are the very pollutants that these rules, these cement rules, were intended to target. Rather, EPA's estimates of benefits are all related to incidental health benefits by the reduction of particulate matter, which are already regulated by other parts of the Clean Air Act.

So for all of those reasons, I would respectfully urge Members to oppose the gentlelady's amendment and request that they vote in opposition to it.

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

Mr. WAXMAN. I rise in support of the amendment.

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

Mr. WAXMAN. For decades, regulated industry has claimed that EPA rules are not worth the cost. For decades, they've pushed laws and executive orders to require more and more detailed cost-benefit analyses. So now, that's what EPA does for every major rule. EPA conducts a regulatory impact analysis that quantifies and monetizes, to the extent possible, the costs and benefit of each rule.

These analyses are based on peer-reviewed science. They're reviewed by the Office of Management and Budget. The analyses are usually a couple hundred pages long. EPA prepares a draft analysis for the proposed rule, which is available for public comment before it is finalized with the final rule.

The information about the costs and benefits of the rules helps EPA make a sensible decision about how stringent the standards should be. For example, as a consequence, EPA almost never adopts rules where monetized costs outweigh the benefits.

Last year, EPA finalized long overdue standards to cut emissions of mercury and other toxic air pollutants from cement kilns. As it does for every rule, EPA conducted a thorough regulatory impact analysis of cement kiln rules following the process I just described. This analysis found that the benefits of these rules for public health far outweigh the costs to the polluters. That means that, as a Nation, we're far better off with these rules than without them.

But now the Republicans aren't interested in the cost-benefit analysis. They're only interested in the costs, regardless of how much those costs are outweighed by the benefits.

Here's why these rules are such a good deal for the American public: the rules will significantly reduce emissions of fine particle pollution which can lodge deep in the lungs and cause

serious health problems. By cutting emissions of fine particles, EPA estimates that these rules will prevent up to 2,500 premature deaths, 1,500 nonfatal heart attacks, 17,000 cases of aggregated asthma, and 130,000 days when people miss work or school each year.

EPA estimates that the cost to comply with the rules will be about $950 million in 2013. In contrast, EPA estimates that the monetized health benefits associated with reduced exposure to air pollution range from $6.7 billion to $18 billion in 2013 and annually thereafter.

Moreover, these figures likely underestimate the health benefits of the rule because, given time and data limitations, EPA wasn't able to put a dollar value on the health benefits of reducing cement kiln emissions of carcinogens and other toxic substances such as mercury, which is a powerful neurotoxin.

Well, this amendment simply restates the conclusions of EPA's cost-benefit analysis. This amendment does not change what the bill does. If this amendment passes, the bill would still nullify the cement kiln rules and force EPA to start all over again. The bill would still rewrite the Clean Air Act in such a way that EPA may never be able to reissue emission limits for toxic air pollution from cement kilns.

But this amendment provides an important reminder. By nullifying the rules, the bill also nullifies the $6.7 billion to $18 billion in annual health benefits that would have made Americans better off if the rules remain in place. This amendment ensures that we have a clearly stated accounting of the monetized costs and benefits of this bill.

The Republicans have been eager to talk about the benefit to industry of shielding them from having to cut their toxic and mercury emissions. This amendment simply outlines the costs to public health of nullifying these rules.

When it came to Congressman ELLISON's amendment, where he wanted the benefits clearly stated, the Republicans opposed it because they said that EPA had already studied it, so why should we have to put it in the finding. When it comes to this amendment they say, well, maybe they haven't studied it well enough; and they didn't want to put it in the findings for that reason. I find both arguments not only inconsistent, but not very persuasive.

So I'd urge my colleagues to vote for this amendment, and I yield back the balance of my time.

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

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

Ms. EDWARDS. Mr. Chairman, I demand a recorded vote.

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

Mr. WHITFIELD. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GRIFFITH of Virginia) having assumed the chair, Mr. ROSS of Florida, 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. 2681) to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities, and for other purposes, had come to no resolution thereon.

□ 1930

HOUR OF MEETING ON TOMORROW

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

THE GOP JOBS OFFENSIVE: ROLLING BACK JOB-KILLING REGULATIONS

The SPEAKER pro tempore (Mr. ROSS of Florida). Under the Speaker's announced policy of January 5, 2011, the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 60 minutes as the designee of the majority leader.

Mr. WHITFIELD. Thank you very much.

Over the last year particularly, great attention has been paid in this country to the state of our economy; and despite all of the efforts of the bailouts, the stimulus spending and other efforts, our unemployment rate is still above 9 percent nationally.

We were told that when we adopted the bailouts, when we made money available for the stimulus plans, that unemployment would be reduced in the U.S. to a maximum of 8 percent. Well, that has not come to pass. And as you talk to business leaders large and small around the country, they will tell you that one of the primary reasons that our economy has not been stimulated is because of the uncertainty that has been caused by this administration.

Now, the uncertainties that I'm talking about are, number one, all of those uncertainties that are related to the health care legislation that passed in the last Congress. We know that that health care bill will not be fully implemented until the year after the year 2014. We've been told that CMS and HHS and others have already written 8,700 pages of additional regulations. It's quite clear from discussions with physicians, hospital administrators, and other health care providers that they do not know what to do. Businesses do not know what to do because they are not able to determine what the cost of health care is going to be because they still do not even know what is in the health care bill.

So with the uncertainty caused by the health care legislation, the uncertainty caused by the financial regulatory regime, the raising of the capital requirements, the changing in the methods used for conducting appraisals, all of that has generated a lot of uncertainty, and it's more difficult particularly for community banks to make loans.

A third area of uncertainty is related to regulations implemented by this Environmental Protection Agency. Under the administrator, Lisa Jackson, this has been the most aggressive EPA in the history of the agency. Trying to keep up with all of the regulations coming out has been very difficult to do. Lawsuits have been filed, consent decrees have been entered, court decisions have been rendered, environmental groups have been reimbursed for their legal costs, the regulations are changing; and so businesspeople are saying, we're not going to invest one dollar, much less millions of dollars, until we have some certainty about these regulations.

So the uncertainty related to health care, the uncertainty related to financial regulation, and the uncertainty related to EPA regulations have been a tremendous obstacle for investment to be made and for additional jobs to be created.

I think it's essential that if we're going to get this economy back on track that we have to have certainty in a lot of these areas, and that's precisely what the leadership in this House of Representatives is attempting to do. We're calling upon the leadership in the Democratic-controlled Senate to do the same thing; and the sooner that we can do that, the more likely it is that we're going to stimulate this economy. It's not going to be stimulated by additional regulation, it's not going to be stimulated by additional government expenditures, which is basically what the President's jobs plan is all about, and I might refer to today's article in The Hill and the headline that says Senate Democrats Buck Obama on Jobs Plan.

So let's get back to providing certainty; and when we do that, we're going to encourage investment in our economy to create more jobs.

With that, Mr. Speaker, I would like to yield back the balance of my time.

The SPEAKER pro tempore. The balance of the majority leader's time is reallocated to the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Thank you, Mr. Speaker, I appreciate that, and I thank my friend from Kentucky for being here. I wanted to let him know that I have enjoyed the day. It's been a wonderful challenge and great working with him. I thank my friend for all the good work we did today.

Today from 1 o'clock until close to 7 o'clock, we were debating the Cement Industry Relief Act, and I'm going to just rehash that a little bit.

Before I start, Mr. Speaker, I had a constituent who approached me about the fact that as we're here tonight, that you and I are in a relatively empty Chamber except for all these fine folks that are all here working on behalf of the American people and that accused me of trying to fool the American people into thinking this was a full room.

So I just wanted to set the record straight because he honestly didn't believe I would do it, that most evenings we are talking to our colleagues back in their offices and so forth who are keeping up with this on C–SPAN. This is often a very small group of folks who are in this Chamber. I'm not trying to fool anybody, and I was offended by the fact that he accused me of doing that. So I wanted to make the record clear as I started tonight that you and I are working here together.

□ 1940

So now that I've gotten that little pledge that I made to one of my constituents taken care of—I hope he was watching—I want to say that we've been talking for quite some time about the regulatory burden that's being placed on the American people and what that has to do with our economy, the fact that we may be approaching a double-dip recession, God forbid—but there's all indications that we could be—and the fact that we're losing jobs. We've got to, instead, stop losing jobs. We've got to save jobs and start creating jobs.

The truth is that the job creators of this world are, first and foremost, our small business people. We had a whole group of small business people who came up to hear the President's speech when he talked to us the other day. They sat right up in this section of the gallery, and later they talked to the press and others about what they thought was necessary for their individual small businesses to start to grow, to prosper, and to create jobs. It's a funny thing. I didn't hear from any of them—and there were about 12—that what we need is a government bailout, that what we need is a government stimulus.

What they said was, We need the government to quit throwing up roadblocks to us prospering in our businesses. They mentioned the fact that access to capital was difficult in this country because of regulations that had been issued under the Dodd-Frank Act. They mentioned the unknown about what's going to happen as the regulations are being developed for health care, for what we call the ObamaCare bill.

As those regulations are being developed, every day it seems like they hear something new that is going to be mandatory in health care. As mandatory regulations are put upon the insurance providers of health care, the prices go up. Then as many of these small business people who are diligently trying to keep their employees hired and their employees insured as the ongoing rulings by these regulators under the health care bill are coming to the forefront so people can know about them, they hear from their providers that the prices went up.

Some of them tell me that it's now getting to a point where the costs that are being put upon them—basically the cost of these regulations—are actually making them have to decide, Not only are we not going to be able to hire anybody, but we're not going to be able to keep everybody we've got because we're doubling and sometimes tripling our costs of providing health care for our employees. Quite honestly, with the number of employees we've got, we're just going to have to double up, and some people are going to have to carry bigger shifts. We have to do that. Where, in reality, the best business practice would be to hire somebody, the regulations keep us from doing that.

Then they tell us, With the unknown of the tax structure that we've got and the fact that what we now after 12 years are still calling the Bush tax cuts, which in reality is the tax plan that we're under now, there's a very good possibility that that tax plan might go away. Then the small business man and his accounting folks will have to look clear back to the era of Bill Clinton to see what the taxes were like then so they'll know what the taxes will be like if this body lets those things expire. They see that it's going to cause a tremendous amount of acceleration of their expenditures to pay extra taxes.

So they say, With that being unknown, with the final price tag for health care being unknown and then with learning that there are other agencies like the Environmental Protection Agency and others that are going to impose additional regulations and additional rules on our small businesses, well, you know what, we can't afford to hire anybody. Even if we could make it better and make a more prosperous business than we have, because of the unknowns, we can't afford to do that.

Quite honestly, the President is going around all over the country. So far, he's been, I think, to every member of the leadership's district but mine, and he is telling people to tell the Congress to vote for his jobs bill, he calls it. I think it's the great American jobs bill or something to that effect. He's telling us the facts that he thinks we need to know about it; but that jobs bill has a lot more in it that is unknown, and the American people know that.

I mean, this isn't their first rodeo, as we say in Texas. They've been here before; and they know that when they've got a giant bill with giant expenditures and when all they're hearing are talking points on the television and the radio, they need somebody to look at that bill. Those of us who are here who are looking at it are seeing many, many onerous things that exist in that bill that are not being talked about.

The other night, Congressman LOUIE GOHMERT was talking about some of the things he discovered as he was reading the bill. You haven't heard anyone talking about the things that he has discovered, but those things are important to the American people. It means their lives change both at home and in their businesses. American businessmen know that these unknowns are out there, and they are concerned about these unknowns. The unknown creates fear. It creates hesitation on behalf of the people who create jobs in this country.

The real jobs are the jobs that you get hired for and you make a living out of. It becomes a career job, and you are able to have a career and hopefully work in that industry until you decide it's not in your best interest to work there or until you're ready to retire with a retirement and a Social Security system that you can trust.

They say, But we're not sure we can trust that.

With a health care plan that you can trust. But we're not sure we can trust that.

We've got to put truth in front of the American people. We've got to get honest about what is in the bills that are out here. We have to be honest and stand up to the regulators and say, Wait a minute, what you're doing is going to cause people in my district back home and across this country to not be able to hold onto the jobs they've got.

This is the kind of thing that is causing a lot of the problems we have today.

Franklin Roosevelt said in the Great Depression: ''The only thing we have to fear is fear, itself.'' I think it's an argument that's still going on as to why private industry is fearful to hire new employees—because they don't know what the results of that hiring will be as far as the bottom line of their profit margins.

So I have been taking on the regulators and talking about various regulations and how colleagues in the House with me have bills and that we are taking up one a week until we get all of them before this Congress and, hopefully, get a vote and get them out of this House and over to the Senate.

Then we hope and pray and beg and cajole the Senators, maybe, to take up the bills. We have a stack of bills sitting over on HARRY REID's desk right now that have been passed that will make a difference in creating jobs in this country; but he announces when they get there that they're dead on arrival and that the Senate is not going to act. The Senate gets paid to act, but they seem to think, this year, they get paid not to act. That's an issue between the American people and the

Senate, but we have bills that are going over there. We will continue to send bills over to our colleagues in the Senate, and we are hopeful that as we approach the possibility of a double-dip recession that they'll open up a couple of those bills and take a look at them and see if they might help. I think they might.

Today, on the floor of this House, I've been involved, by permission of the chairman, in this debate on the cement regulations. We've been talking of and dealing with amendments since 1 o'clock. So I've been here a long time, but I kind of like it. I enjoyed the conversation with my colleagues on the other side of the aisle, and we had a good debate. All the amendments had been voted on and passed up until 7 o'clock, and the other amendments will be voted on tomorrow, then the final passage of this bill that is described right here, H.R. 2681.

□ 1950

What it does—probably is kind of hard to read—it provides employers with extended compliance period. What we've got is another form I want you to look at in this debate. I'll put it down there, and I'll hang it up there in a minute.

First, what this bill does, it provides additional time to comply with the Clean Air Act and the rules that they've set relative to the manufacture of Portland cement. It blocks current regulatory overreach by the authority. It gives the EPA at least 15 months to re-propose and finalize new and available rules that do not destroy jobs.

It affects the Cement MACT and two related rules. It's expected to affect approximately 100—this current set of rules is expected to affect 100 cement plants in America, has already caused suspension of a new $350 million cement plant proposed in, I believe, the State of Alabama, putting 1,500 construction jobs on hold.

That's what this proposed rule has already done. What this does is say time out, EPA, you're killing jobs.

So here's what we ask you to do. I want you to look at this rule and look at it in light of the fact that there's a possibility that 20 percent or more of these 100 cement plants will close. They will either close down and stop making Portland cement in the United States, or they will close down until they can open up overseas in an environment that is, quite honestly, not regulated at all. Not that our Americans don't want clean air, they do. But if they've got the clean air rules that are going to destroy them because of the cost, and the fact that they can't meet the standards and there aren't scrubbers to help them meet the standards, then they're going to say, well, if I'm going to stay in business I have got to go someplace where the regulations are not so fierce.

Now, why do I say they're fierce? Well, historically when we started off our environmental cleanup—which is a great thing, and every American's proud of it—I can remember that Europeans were held out as an example, just as they're being held out today as an example of green energy. They were held out as an example on water and air quality of how dedicated regimes could come up with solutions to solve the air and the water problem.

We have all seen the Sherlock Holmes movies of the smog and the fog in London, and it's gone. We've all heard of the pollution of the Rhine River, and it's not polluted anymore. And the Europeans were held out as having set the standards that the world needed to follow.

Well, let's look at the standards that the Europeans sets for the cement industry. The EU has just issued their final standards. The parameter for mercury, the U.S. standard in the EPA rule that we are dealing with in House bill 2681 is .01 percentage of mercury as an emission. The European standard, supposedly the state-of-the-art, is .05. Our standard is five times more restrictive than the European standard.

Hydrochloric acid, our standard is 3.83. The European standard is 10.

In particulate matter, our standard is 7.72, the particulate matter standard in Europe, in the EU, is 20.

So the people that we and the progressives in this House held up as the model for knowing how to clean up the atmosphere and clean up the water was the EU. They have issued rules approximately at the same time we have issued our rules, and you can see how much more stringent the rules we're placing on the industries of America versus the rules that are being placed on the European industries, our competitors.

I don't mean in any way to criticize the Europeans. I just find it questionable, if the Europeans say .05 and we've got .01, and we're dealing with mercury, which is one of the pollutants that are discussed in the issue of Portland cement factories, then it's five times more difficult for us to meet the standards.

At least from what the industry says, there is equipment available to meet the European standard. Our standard at this time doesn't have equipment available to meet it. So even if they wanted to jump in and do it in the 3-year time period they have to do it, they know they can't. They don't think they can meet that standard. They feel it's either going to be cost-prohibitive because of research and development to come up with solutions, or it's not going to be reachable at all, which could cause major fines. After they spent millions of dollars trying, they said, heck, we just can't do it.

At least 20 percent of the plants have already said, hey, we just can't do it. We're small, small businesses, we're not the giant conglomerates that people presume us to be, but most of our folks that own cement plants own anywhere from one to maybe five, some of them have a few more. But most of them are fairly small, a one-family or one-person operation. They're sitting there saying, we can't meet it, we're going to shut down; or we're going to look at the areas in the world where we can meet it, maybe Mexico—which does have some standards but nothing anywhere even near the standards of Europe—or maybe we'll go to China or to India where they basically have no standards, not that we want to have a plant like that. But if we put the plant that has got the filters on it right now that meets a current standard and take it over there, at least we won't be polluting the atmosphere too much more, and we'll at least be able to be in business.

What does that mean to us? Well, the President of the United States is going all over the country, and he's making speeches. And one of the things he says is don't the Republicans want to rebuild the infrastructure of this country? Don't they want to construct new schools and repair the old schools?

Well, have you ever looked at what kinds of materials we use to build schools in the current modern world? Of course, even in the old antique world you start with a foundation made out of, what, concrete, which is made with Portland cement. So, if the Portland cement is moving overseas, and we have less and less people that can meet the standard—and it could be more than 20 percent that moved—those are the ones who have told us they'll move.

But as a business practice they're going to look at it and see if they can make it work. Now why do I say it is going to be tough to work? Well let's look at it.

They're roughly a $6 billion industry. The estimated cost agreed upon—and the EPA doesn't dispute this—the estimated cost of making the changes to these plants, to meet the requirements set by the .01 on mercury, is $3.4 billion. So the whole industry makes $6 billion, and they have got to pay $3.4 billion to fix the problem.

Now, that is half, more than half of the income from the whole industry to fix these problems. When you think about that, that's a terrible, terrible hit for people who are in the business of making a profit. I don't think anybody in America thinks that people are supposed to work for no salary and no profit.

And, by the way, the jobs that we have in the cement industry are good-paying labor jobs. They make somewhere between something like $45,000 to $65,000 at the lower range and $65,000 to $85,000 or $90,000 in the upper range. That's a good-paying job.

□ 2000

Now, why would we want to ship that job out of the country so that America loses a job and somebody in India or China or Mexico gets a job? Why would we want to do that? That's a question we have to ask ourselves.

What our bill does, it says to the EPA, take another look at this and

take into consideration the economic impact on our economy, take into consideration the impact on employment in our economy and the impact on lost jobs in our economy and the good you will do for the health care issues that are raised and have been raised all day by the Democratic Party in this Chamber.

Does anybody want sick people? Of course not. And to make that accusation against those of us who say these are onerous regulations I think is ridiculous. Nobody wants somebody to get sick, but is what we're doing going to keep them well? Let's examine that and see what we think.

I've shown this map before, but this is a very, very informative map. It tells you the percentage of mercury deposition that originates outside of the United States. And the red is somewhere between 78 and 100. So in the areas that are tinted red there, the mercury that's in those areas, between 100 percent and 78 percent of it comes from outside this country. It's because the prevailing winds blow the plume of mercury from the areas where there are no restrictions and no clean air, and that would basically be Communist China and India. They choose to live like that. That's their choice, but their pollution blows to our country.

The yellow is from 78 to, it looks like, 58. So between 78 percent and 58 percent of the areas marked in yellow are foreign pollution. The green is between 58 percent and 19 percent that's foreign pollution in that area. And the blue, there is very little blue, just a few dots up on the East Coast and a couple of dots in the Midwest, the blue is 19 to zero is foreign pollution.

So with that much mercury as the example coming from other sources, putting the kind of burden that this thing does on our industry, which has nothing to do with the pollution source from outside our country, and yet we're going to make our folks meet a standard of 0.01 when our other clean competitor, EU, is 0.05, so you can see why the industry would say, yeah, there's plenty of equipment to meet 0.05, but we don't think we can meet 0.01.

So what does this mean? Well, it means in Oregon where they have already cleaned up their plant, one plant has announced if these rules go into effect, after they've cleaned up their plant to meet the best standards available and being told it's not good enough, they're saying, We may have to close this plant. And people in Oregon are going to lose jobs that pay $80,000 to $100,000 a year.

What's wrong with this picture? Well, I'll tell you what's wrong with it. The regulators are not thinking about whose job is going to get lost.

And meanwhile, if we cleaned up our 100 plants, and this is the pollution that's coming in from foreign sources, then how in the world are we going to say we're protecting our children from disease? Well, if you're going to protect our children from disease, what about all of this pollution? We can't do anything about that. We need to, but we can't.

So sometimes when you get a job and you work for an agency, you become so wrapped up in trying to save the world from your standpoint that you don't think about who gets hurt in the process. But I think it's pretty clear who gets hurt is some people who have some pretty darn good jobs. And that 9 percent unemployment figure could rapidly go up just in this industry of good American labor folks who lose great-paying jobs. And who do they lose them to? Foreign operations.

And then you ask people: Why do our jobs keep going overseas? At least in the concrete industry, the cement industry, we know.

Also, as Mr. Obama travels the country, he loves to talk about we're going to rebuild infrastructure. We talked about that in the original stimulus bill, and how out of all those $600 billion or $700 billion, whatever it was we spent—I know it turned out to be around 50 or $60 billion that actually went to highways even though we were promised we were going to fix all of the highways and bridges, but let's just assume that they are going to fix the highways and bridges right now. If the cement industry is in trouble, then the concrete industry is going to be in trouble. And they have already had a 62 percent reduction in both those industries in the last 4 years because the economy has been bad and they're in the construction business.

So how are we going to build a bridge across the Mississippi River when we have to ship the products that we need to make our concrete over from China? Well, we'll do it. We'll figure out a way to transport that across the ocean. It can be done.

But remember when the President told us he found out that shovel-ready jobs in America weren't always shovel ready? Well, it's because something stood in between the time the shovel actually got used because there were other things that stood in the way. I would argue many of those other things were regulations. They were environmental regulations. They were endangered species regulations. And now they would be Portland cement regulations if this regulation stays in place.

Now, is this bill unreasonable? Well, we can analyze that for ourselves. It doesn't say we don't want to clean up the air. It says take another look at this. Factor in the economic impact and the labor impact, and then try to come up with a number that we have existing new ideas to clean up to, and that seems to be 0.05. And then when you've come up with a final rule that is doable in the industry as it exists—and that's part of the direction that EPA is given. It needs to be doable out in the actual working environment that it's in, not in some laboratory someplace. If you put rules together that will do that, then we'll all start to do it. And give us 5 years—we may do it quicker, but give us at least 5 years to spread out the cost because we're talking about a lot of cost for an industry that has to struggle. So give them a chance to get this thing done in a reasonable point of time.

Meanwhile, we're not making the air any dirtier. We're just maintaining the status quo which was cleaned up in 1999 and cleaned up again in 2006. So this is the third new standard. It's not like we have the dirty plants like our foreign competitors. No, we don't. We cleaned our act up in 1999 and cleaned them up again in 2006, and the only thing that kept anything from getting done was lawsuits filed by environmentalists who said it wasn't enough.

Well, the industry tries its best to meet the standards. Obviously, they change almost every 5 years. So what's wrong with a period of time that says give us a chance to have 5 years to change? It's not unreasonable. It's a reasonable request to save jobs and keep an American industry alive in this country. So that's the example. That's what's being discussed today.

□ 2010

Next week and the week after that, there will be other bills that are out there.

Here is one that's probably the next one to come along, the Boiler MACT rules. What does that mean? Well, it means that we are taking a look at industries and entities that use boilers in their operation either to heat and cool or whatever, but they use a boiler to do it. And this is going to take place I think if not this week, early next week, maybe tomorrow.

Here's a statement about it. From hospitals to factories to colleges to industry, thousands of major American employers use boilers that will be impacted by the EPA's new Boiler MACT rules. These stringent rules will impose billions of dollars in capital and compliance costs, increase the costs of many goods and services, and put over 200,000 people's jobs at risk. American forest and paper industry, for example, will see an additional burden of at least 5 to $7 billion.

H.R. 2250, a bill that we will have, the EPA Regulatory Relief Act, sponsored by MORGAN GRIFFITH of Virginia, will provide a legislative stay of four interrelated rules issued by the EPA in March of this year. The legislation would also provide the EPA with at least 15 months to repropose and finalize new and achievable rules that do not destroy jobs and provide employers with an extended compliance period.

Sound familiar? It's basically the same thing.

Hold up. What you're doing could cost 200,000 jobs and billions of dollars in extra costs. Take another look at it. Take a look at the jobs in a possibly double-dip recession that's coming up and say, Is that really what we want to do? Do we really want to have a potential of losing 200,000 jobs or more because we're not willing to take another

look and see if there's not a better idea to make this thing clean? What's another 15 months when you are being told these kind of economic ramifications are there? And, by the way, give us 4 years to put them in place once you come up with these reasonable rules.

This is not unreasonable. This is, again, thinking first about the working person and thinking first about our economy and what it takes to make our place run in a clean, efficient, and manageable manner. And if we don't get that, we lose jobs.

In this environment, for the last 3 years, we've had an interesting concept. When we put the stimulus package out there, we were waiting to hear how many jobs we had created. Well, we heard about a few. Some of those jobs cost a lot of money to create them. You get a $40,000-a-year job and you spend $1 million of America's tax money to get that $40,000-a-year job. It's not real economically feasible, but we have some of those jobs. But the other thing we heard from people was, oh, well, it's not just the jobs we create; it's the jobs we saved. Well, that's exactly what we're talking about.

We've got evidence that jobs are going down the tubes as a result of the action of a United States Government bureau, the Environmental Protection Agency. They are going to cause potentially the loss of 200,000 jobs. Pass this, and we've just saved, just like the Obama administration, we just saved 200,000 jobs. This is good. This is how we do things now. We've been told for the last 3 years this is how we estimate we're doing good.

Now, it didn't turn out exactly that way, but at least you're not going to make those unemployment numbers go up. And one of our goals is to stop those things from going up and start them going down. It's the goal of every American. It's the goal of the President, and it's the goal of every American that works up here on the Hill. We have different concepts of how to go about it. We can look at the concepts that have been used thus far and see what their success is.

How about looking at some new ideas and see how successful those will be? If we can cut costs to people who create jobs, we'll get more jobs. If we can keep jobs that pay well for the American worker, he will be able to buy product. He will be in the market. He will help create demand, and we will have more jobs.

But if we are going to, by an action of a Federal agency, if we are going to cost 200,000 jobs and cause industry to go out and spend an inordinate amount, in the billions of dollars, to make the corrections, how many jobs do you think—when they get it cranked up and meeting the EPA standards, how many jobs do you think they're going to create after that? Well, first they have to figure out a way to make up that 5 to $7 billion that the printing industry says they're going to lose. And how are they going to make that up? Guess what? They're not going to hire anybody.

This is not rocket science. This is pretty simple. If you don't have the money, you can't hire anybody. And if you've had to spend money you didn't expect to spend to the tune of 5 to 7 billion—with a B—dollars, it's a tremendous hit. And that's just one industry. That's just the forest and paper industry. In that situation, they're not hiring anybody. You don't have to be a genius to figure that out. It's easy for you to figure that out.

So by the very nature of the regulation we're talking about on boilers, we could be looking at the loss of 200,000 jobs and an extended period that that industry isn't hiring anybody.

Just to give you an example of the regulations that are out there, we've already dealt with a bill by Representative SCOTT about the National Labor Relations Board telling Boeing that they couldn't build a plant in South Carolina when they wanted to because South Carolina was not a closed shop union State. Mr. SULLIVAN today is working on the Cement MACT bill. Mr. GRIFFIN is in line, in the queue, to come up with solutions for the Boiler MACT bill. Mr. MCKINLEY has a bill that has to do with coal ash rules. Mrs. NOEM has a bill to deal with farm dust rules. And I, with several of my colleagues, have a bill to put a 2-year moratorium on regulations. And we will hopefully come with a bill that will be reasonable, accessible, and acceptable to the people that are concerned about this and put a stop to this question mark that industry is asking: What's around the corner? Because there's tons of rules around the corner.

In the month of July, there's almost 300 new major rules that will affect this country with over $100 million or more. There were almost 300 of them. In August, there were almost 400 of them. Now we're just talking about one, two, three, four, five, six, seven, right here, bills to deal with seven instances. But the person who keeps up and looks at these other regulations that are out there says, Holy cow, what's out there? If these things are going to cost, like the example with this EPA Regulatory Relief Act, if the Boiler MACT rules are going to cost one industry $7 billion, what about all those other rules? We don't even know what they do. And what are they going to do to us?

□ 2020

And once again we have to convince the people who are standing on the sidelines to get back in the game and hire folks so we'll have jobs in this country.

It is unacceptable for us to look at 9 percent unemployment as the low figure for this year. It's unacceptable. It's been much higher. We've come down to 9.3, we seem to have stuck there, but that's unacceptable for an unemployment number in America. But you can't stop it unless you get real jobs created by real people. And the way you do that is take the unknown out of their lives at least until we can get our feet back on the ground.

You know, throwing all the money in the world at our problems, we have some pretty good examples of how that doesn't work, the stimulus bill being the perfect example. We threw a half a billion dollars at that solar company out there in California that is under Federal investigation by the Justice Department for what they did with our money. A half a billion dollars was thrown at those people, and what happened? Where is our money? Where did it go? They shut the doors. They declared bankruptcy. We threw it at them in a relatively short period of time, 2 or 3 years. That's a lot of money to blow in 2 or 3 years. We're now learning that some of the stuff they have is like the—not Mercedes Benz, but more the Lamborghini model of furniture and fixtures and so forth, high-dollar stuff. But the reality is we threw money at a problem, and the money didn't solve it. I don't think we should throw money at these problems that we've got right now. I think we should instigate common sense for the problems we've got right now.

I mentioned some of those things that are out there. We've got another bill that's very interesting. It has to do with cross-state air pollution—CSAPR they call this—for utility plants. These are plants that produce electricity. And the truth is that there was a concept, it was designed for the eastern part of the United States because the States are a lot smaller in the eastern part of the United States. So if you're living in Vermont, New Hampshire—and I'm not picking on them, they're just side by side, fairly small. If a plant in Vermont has prevailing winds blowing into New Hampshire and they've got some pollutant out there, they want to be able to stop the cross-State-line expansion of pollution into another State. And that's what these rules are set for.

They set out specifically which States would be under these rules—they expanded them some, but it was designed for the Midwest, some southern States, and the Northeast. And it specifically, for instance, said Texas is not under these rules. Then 19 days before they issued the final rule they said, oh well, we decided, even though we didn't test any of the air, didn't test any of the directions of the air, didn't do any monitoring at all in the State of Texas, we're putting them under the rule anyway, and we're just going to presume that the prevailing winds blow the way we think they do. I don't think anybody that wrote that rule had ever set foot in the State of Texas or they would have known better than that. But they presumed that we were blowing all of our air, any pollution we created up to the Midwest and the Northeast. They presumed that our prevailing winds blew from the Southwest

to the Northeast. And I think anybody that lives in Texas knows that's far from the prevailing winds in Texas. If anything, if we have a prevailing wind, it blows from the Gulf of Mexico—which is the Southeast—to the Northwest of our country. And the rest of the West, by the way, is not under these rules, with the exception of Oklahoma.

So these rules are going to impose such onerous air standard qualities that at least in the State of Texas, with one company, they have 13 power plants, they're saying they're going to close two—even before this starts they're going to close two. They're going to close one coal mine. They're going to stop shipping Western coal to that part of our State—because these are coal-powered plants. So there's two offline right there of the 13 they've got online. And potentially they could shut down more than that, maybe even half. That's one company's power plants.

Now, what does that do to you, to us as American citizens? It makes the price of electricity go up. It makes the possibility of a brownout and a blackout more relevant. If it's too cold or it's too hot—and down where we live it's mostly too hot—you might have a power outage. If you take power plants offline because they can't meet EPA standards because the standards are too onerous—and quite honestly a complete surprise in our State because we didn't even know we were supposed to be under this set of rules—we're probably going to have power shortages in our State.

But that's not all. The rest of the country has got these rules too, and they're just as surprising and onerous as they are to us. The only difference between them and us is they knew they were going to be under it—this is the eastern part of the country. We didn't know we were going to be under it, so we've got a particularly loud gripe. But other States are saying the same thing: Holy cow, what are we going to do?

The Midwest, almost all their power comes from coal—not in our State; we still have oil and gas. But in the Midwest, all their power comes from coal. What are they going to do when they start shutting down plants? How cold is it going to be in Chicago this next year—which my dad claims when the wind blows off the lake is the coldest place on Earth—how cold is it going to be when they shut down the power plants in the central part of the United States in the Midwest? It's a frightening thought.

The impact on humanity ought to be one of the analyses that's made when you start making an analysis under these EPA regulations. Nobody wants to dirty up the air, but you can do it with reasonable assumptions as to how much harm you're going to do when you start doing it. And the harm we're looking at here is a lot of harm. It's downright scary what can happen in a cold winter or a hot summer.

We're in the middle of a drought right now in Texas. And where I live, it hasn't rained in—gosh, I don't know, a long time, at least 4 or 5 months. We had barely a sprinkle on top of my patio in the back yard—didn't even get my street wet, but they called it rain. I don't count that. I'm talking about when it rains. Now, could we get one? Yeah. We're a land of wild weather. We could get one tomorrow that would wash us off the face of the Earth. But that's fine—we could use it.

But the point is, that sure tells you how hot it has been. From starting in May until late in the month of September, almost the entire State of Texas had over 100-degree weather every single day. Normally our hot weather starts in late July through August, mid-September we're over 100. We had 105 and 106 the whole summer long. Now you can just imagine how much electricity got cranked out.

If we implement the rules that are imposed by the EPA, we will double the cost of electricity. I'll use my electricity bill as an example. The entire summer my electricity bill was approximately $600 plus a month. What that's telling me is look for $1,200 bucks a month. The guy that's got $200 bucks a month—which is the average smaller home in our area—he's looking at $400 a month. It's a shocker to have something like that happen to you and to realize it had to because people didn't think out regulations they imposed. We can still meet the standards and not put our people at risk. These are the kinds of things that we're talking about that so concern us.

And the first thing, when this all happens—and the reason I've been talking about this now for almost a year is because I'm convinced that a lot of Americans believe that when this happens to them in their life, they believe this is done because the Congress of the United States passed some law that caused that to happen.

□ 2030

They don't know that it's an unelected group of bureaucrats in an agency somewhere that made this decision, not Members of this Congress, not the people they elect to speak for them in Washington, D.C. No, people who have jobs that they can't be fired from and who are entrenched in these agencies around this town write rules that affect the lives of ordinary Americans, and they never know where they came from unless they're in the industry that gets affected. Industry knows what bureaucrats do, but the average American citizen, he doesn't know. That's why everywhere I go, I talk about this because I want everybody to know, but particularly I want my folks back home that I represent to know just what these agencies do on their causes that causes the cost of living to go up.

Well, I'm about through, so I'll do this the easy way. I want to thank the Speaker for his patience. I've got plenty more to talk about. We'll talk about it on another day.

I yield back the balance of my time.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, OCTOBER 4, 2011 AT PAGE H6550

BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House reports that on October 4, 2011 she presented to the President of the United States, for his approval, the following bill.

H.R. 2608. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, October 6, 2011, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

3353. A letter from the Under Secretary, Department of Defense, transmitting the semi-annual status report of the U.S. Chemical Demilitarization Program (CDP) for September 2011, pursuant to 50 U.S.C. 1521(j); to the Committee on Armed Services.

3354. A letter from the Under Secretary, Department of Defense, transmitting authorization of six officers to wear the authorized insignia of the grade rear admiral (lower half); to the Committee on Armed Services.

3355. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Increase the Use of Fixed-Price Incentive (Firm Target) Contracts (DFARS Case 2011-D010) (RIN: 0750-AH15) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

3356. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Implementation of Office of Management and Budget Guidance on Drug-Free Workplace Requirements [Docket No.: FR-

5471-F-01] (RIN: 2501-AD54) received August 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

3357. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Early Intervention Program for Infants and Toddlers With Disabilities (RIN: 1820-AB59) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3358. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Ophthalmic Devices; Classification of the Eyelid Thermal Pulsation System [Docket No.: FDA-2011-M-0570] received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3359. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.622(i), Post-Transition Table of DTV Allotments, Television Broadcast Stations (El Paso, Texas) [MB Docket No.: 11-74] (RM-11630) received September 12, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

3360. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 11-14, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

3361. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of a Decision Adopted under the Australia Group (AG) Intersessional Silent Approval Procedures in 2010 and Related Editorial Amendments [Docket No.: 110222155-1110-01] (RIN: 0694-AF14) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3362. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule — Export Administration Regulations: Netherlands Antilles, Curacao, Sint Maarten and Timor-Leste [Docket No.: 110802457-1467-01] (RIN: 0694-AF18) received September 8, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

3363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Report and Determinations Pursuant to Section 804 of the Palestine Liberation Organization Commitments Compliance Act of 1989, as Amended, and Sections 603-604 and 699 of the Foreign Relations Authorization Act, Fiscal Year 2003 (P.L. 107-228); to the Committee on Foreign Affairs.

3364. A letter from the Speaker, Kyrgyzstan Parliament, transmitting a letter congratulating the United States on its Independence Day; to the Committee on Foreign Affairs.

3365. A letter from the Director, Office of Human Resources, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3366. A letter from the Solicitor, National Labor Relations Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

3367. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Pay for Sunday Work (RIN: 3206-AM08) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3368. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees (RIN: 3206-AM29) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3369. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Personnel Records (RIN: 3206-AM05) received September 6, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

3370. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 2013, in accordance with Section 7(f) of the Railroad Retirement Act, pursuant to 45 U.S.C. 231f(f); to the Committee on Oversight and Government Reform.

3371. A letter from the Director, Congressional, Legislative and Intergovernmental Affairs, Federal Election Commission, transmitting a letter informing of the Commission's revision of two disclosure forms; to the Committee on House Administration.

3372. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2011 through September 30, 2011 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112—63); to the Committee on House Administration and ordered to be printed.

3373. A letter from the Management and Program Analyst, Regulatory Products Division, EXSO, USCIS, Department of Homeland Security, transmitting the Department's final rule — Immigration Benefits Business Transformation, Increment I [CIS No.: 2481-09; DHS Docket No.: USCIS-2009-0022] (RIN: 1615-AB83) received August 30, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3374. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Services B.V. Model F.28 Mark 1000, 2000, 3000, and 4000 Airplanes [Docket No.: FAA-2011-0472; Directorate Identifier 2011-NM-005-AD; Amendment 39-16767; AD 2011-17-03] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3375. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney (PW) Models PW4074 and PW4077 Turbofan Engines [Docket No.: FAA-2010-1095; Directorate Identifier 2009-NE-40-AD; Amendment 39-16742; AD 2011-14-07] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3376. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Model DHC-8-400 Series Airplanes [Docket No.: FAA-2011-0470; Directorate Identifier 2010-NM-190-AD; Amendment 39-16768; AD 2011-17-04] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3377. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-214, -232, and -233 Airplanes [Docket No.: FAA-2011-0305; Directorate Identifier 2010-NM-186-AD; Amendment 39-16766; AD 2011-17-02] (RIN: 2120-AA64) received September 9, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3378. A letter from the Co-Chairs, Commission on Wartime Contracting in Iraq and Afghanistan, transmitting a letter informing the Commission's final report will be submitted by August 31, 2011; jointly to the Committees on Armed Services and Foreign Affairs.

3379. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting a report concerning the operations and status of the Government Securities Investment fund (G-Fund) of the Federal Employees Retirement System during the debt issuance suspension period, pursuant to 5 U.S.C. 8348(h); jointly to the Committees on Oversight and Government Reform and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 2594. A bill to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes (Rept. 112–232 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1025. A bill to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (Rept. 112–233). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 1263. A bill to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures; with amendment (Rept. 112–234). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2074. A bill to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs; with amendments (Rept. 112–235). Referred to the Committee of the Whole House on the state of the Union.

Mr. MILLER of Florida: Committee on Veterans' Affairs. H.R. 2302. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs; with amendments (Rept. 112–233). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII the Committee on Foreign Affairs discharged from further consideration. H.R. 2594 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. KLINE (for himself, Mr. MCKEON, Mr. WILSON of South Carolina, Ms. FOXX, Mr. HUNTER, Mr. ROE of Tennessee, Mr. THOMPSON of Pennsylvania, Mr. WALBERG, Mr. DESJARLAIS, Mr. ROKITA, Mr. BUCSHON, Mr. GOWDY, Mrs. ROBY, Mr. ROSS of Florida, and Mr. KELLY):

H.R. 3094. A bill to amend the National Labor Relations Act with respect to representation hearings and the timing of elections of labor organizations under that Act; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas:

H.R. 3095. A bill to freeze the implementation of the health reform law, to establish a commission to evaluate its impact on the delivery of health care to current Medicare recipients, job creation, current health insurance coverage, participation in State exchanges, and the Federal deficit, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, House Administration, Appropriations, and Rules, 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. SCALISE (for himself, Mr. BONNER, Mr. MILLER of Florida, Mr. OLSON, Mr. PALAZZO, Mr. SOUTHERLAND, Mr. RICHMOND, Mr. ROSS of Florida, Mr. RIVERA, Mr. CRENSHAW, Mr. DIAZ-BALART, Mr. BOUSTANY, Mr. THOMPSON of Mississippi, Mr. LANDRY, Mr. ALEXANDER, Mr. ADERHOLT, Mr. BACHUS, Mrs. ROBY, Mr. ROGERS of Alabama, Ms. SEWELL, Mr. CASSIDY, Mr. WEST, Mr. BROOKS, Mr. HARPER, and Mr. NUNNELEE):

H.R. 3096. A bill to restore the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of Gulf Coast States, to create jobs and revive the economic health of communities adversely affected by the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Science, Space, and Technology, 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. GOODLATTE (for himself, Mr. COSTA, Mr. CARDOZA, Mr. MATHESON, Mr. WOMACK, Mr. HARRIS, Mr. MORAN, Mr. CRAWFORD, Mr. WITTMAN, Mrs. ELLMERS, Mr. CUELLAR, Mr. MCINTYRE, Mr. HURT, Mr. ROONEY, Mr. MCCLINTOCK, Mr. WELCH, Mr. GRAVES of Georgia, Mr. GRIFFIN of Arkansas, Mr. SIMPSON, Mr. BOREN, Mr. NUNNELEE, Mr. ROSS of Arkansas, Mr. BACA, Mr. PITTS, Mr. BUTTERFIELD, Mr. BARROW, and Mr. GRIFFITH of Virginia):

H.R. 3097. A bill to partially waive the renewable fuel standard when corn inventories are low; to the Committee on Energy and Commerce.

By Mr. GOODLATTE (for himself, Mr. FLAKE, Mr. ROSS of Florida, Mr. MCCLINTOCK, Mr. GRAVES of Georgia, Mr. DENHAM, and Mr. NUNES):

H.R. 3098. A bill to repeal the renewable fuel program of the Environmental Protection Agency; to the Committee on Energy and Commerce.

By Mr. SCALISE (for himself, Mr. CAMPBELL, Mr. GINGREY of Georgia, Mr. HARRIS, Mr. STUTZMAN, Mrs. MYRICK, Mrs. BLACKBURN, Mr. FLORES, and Mr. BROOKS):

H.R. 3099. A bill to amend the Internal Revenue Code of 1986 to provide for taxpayers making donations with their returns of income tax to the Federal Government to pay down the public debt; to the Committee on Ways and Means.

By Mr. CANSECO (for himself, Mr. SMITH of Texas, Mr. CUELLAR, and Mr. GONZALEZ):

H.R. 3100. A bill to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for other purposes; to the Committee on Natural Resources.

By Mr. CONAWAY (for himself, Mr. FLORES, Mr. CULBERSON, Mr. THORNBERRY, Mr. CANSECO, Mr. GRIFFIN of Arkansas, Mr. HENSARLING, Mr. FARENTHOLD, Mrs. HARTZLER, Mr. OLSON, Mr. WILSON of South Carolina, Mr. BILBRAY, Mr. BROOKS, Mrs. BLACKBURN, Mr. PITTS, Mr. COLE, Mr. RIBBLE, Mr. BARTLETT, Mr. GENE GREEN of Texas, and Mr. CUELLAR):

H.R. 3101. A bill to repeal a limitation on Federal procurement of certain fuels; to the Committee on Oversight and Government Reform.

By Ms. DELAURO (for herself, Mr. ISRAEL, Mr. ACKERMAN, Ms. CASTOR of Florida, Mrs. CHRISTENSEN, Ms. CLARKE of New York, Mr. CONYERS, Mr. DEUTCH, Mr. FARR, Mr. HINCHEY, Mr. JACKSON of Illinois, Ms. LEE of California, Mr. MARKEY, Ms. MATSUI, Ms. MOORE, Mr. RUSH, Ms. SCHAKOWSKY, Mr. RANGEL, and Mr. LARSON of Connecticut):

H.R. 3102. A bill to require that every mammography summary delivered to a patient after a mammography examination, as required by section 354 of the Public Health Service Act (commonly referred to as the ''Mammography Quality Standards Act of 1992''), contain information regarding the patient's breast density and language communicating that individuals with more dense breasts may benefit from supplemental screening tests, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FALEOMAVAEGA:

H.R. 3103. A bill to establish a Commission on Recognition of Indian Tribes to review and act on petitions by Indian groups applying for Federal recognition, and for other purposes; to the Committee on Natural Resources.

By Mr. GRAVES of Georgia (for himself, Mr. MULVANEY, Mr. COLE, Mr. BARTLETT, Mr. SOUTHERLAND, Mr. FRANKS of Arizona, Mr. WALSH of Illinois, and Mr. HUELSKAMP):

H.R. 3104. A bill to amend the Internal Revenue Code of 1986 to provide penalty free distributions from certain retirement plans for mortgage payments with respect to a principal residence and to modify the rules governing hardship distributions; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 3105. A bill to amend the Internal Revenue Code of 1986 to impose a surcharge on high income individuals; to the Committee on Ways and Means.

By Mr. DANIEL E. LUNGREN of California (for himself, Mr. HARPER, Ms. NORTON, Mr. PIERLUISI, Ms. BORDALLO, Mr. FALEOMAVAEGA, Mrs. CHRISTENSEN, Mr. SABLAN, and Mr. PLATTS):

H.R. 3106. A bill to provide for the furnishing of statues by the District of Columbia and territories of the United States for display in the United States Capitol; to the Committee on House Administration.

By Mr. NEUGEBAUER:

H.R. 3107. A bill to amend the Federal Crop Insurance Act to provide producers with the opportunity to purchase crop insurance coverage based on both an individual yield and loss basis and an area yield and loss basis in order to allow producers to cover all or a portion of their deductible under the individual yield and loss policy, to improve the accuracy of actual production history determinations, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 3108. A bill to amend the Congressional Accountability Act of 1995 to provide enhanced enforcement authority for occupational safety and health protections applicable to the legislative branch, to provide whistleblower protections and other antidiscrimination protections for employees of the legislative branch, and for other purposes; to the Committee on House Administration, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PINGREE of Maine (for herself, Mr. ANDREWS, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mrs. CHRISTENSEN, Mr. CONNOLLY of Virginia, Mr. FARR, Mr. FILNER, Mr. KEATING, Ms. LEE of California, Mr. MCINTYRE, Mr. MORAN, Mr. PIERLUISI, Mr. QUIGLEY, Ms. SLAUGHTER, Mr. TONKO, and Ms. WOOLSEY):

H.R. 3109. A bill to amend the Coastal Zone Management Act of 1972 to require establishment of a Working Waterfront Grant Program, and for other purposes; to the Committee on Natural Resources.

By Mr. REED (for himself and Mr. HANNA):

H.R. 3110. A bill to exempt drivers used by motor carriers from certain regulations if transporting grapes during a harvest period, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. STUTZMAN:

H.R. 3111. A bill to reform and reauthorize agricultural programs, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TURNER of Ohio:

H.R. 3112. A bill to require that certain actions be taken with respect to complaints received by the Department of Commerce of nontariff barriers imposed by other countries, and for other purposes; to the Committee on Ways and Means.

By Mr. YOUNG of Alaska:

H.R. 3113. A bill to ensure the icebreaking capabilities of the United States; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER:

H. Res. 422. A resolution expressing the sense of the House of Representatives regarding the superiority of capitalism as an economic model; to the Committee on Financial Services.

By Mr. ROHRABACHER (for himself and Mr. GOHMERT):

H. Res. 423. A resolution expressing the sense of the House of Representatives that in order to increase and sustain pressure on the Taliban, their terrorist allies and supporters, enable an expeditious and safe withdrawal of United States and NATO soldiers, reducing

the great cost in lives and money, the United States should empower and recognize Afghanistan's ethnic diversity through free local and provincial elections and replace the present failed centralized system of government with a federal political structure that ensured the full participation of all ethnic communities; to the Committee on Foreign Affairs.

By Ms. WATERS:

H. Res. 424. A resolution honoring the Cultural Initiative, Inc. on the 20th anniversary of the first hip hop conference at Howard University; to the Committee on Education and the Workforce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

157. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 96 urging the Congress to modernize the Toxic Substances Control Act; to the Committee on Energy and Commerce.

158. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 3 urging the Congress to extend the alternative minimum tax holiday for private activity bonds; to the Committee on Ways and Means.

159. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 173 urging the Congress to take such actions as are necessary to provide adequate funding for essential dredging activities and removal of navigation hazards on the Calcasieu Ship Channel; to the Committee on Transportation and Infrastructure.

160. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 90 urging the Congress to provide a cost-of-living adjustment or some alternate benefit increase for Social Security recipients as soon as practicable; to the Committee on Ways and Means.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KLINE:

H.R. 3094.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the Constitution of the United States

By Mr. SAM JOHNSON of Texas:

H.R. 3095.

Congress has the power to enact this legislation pursuant to the following:

''The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to providing for the general welfare of the United States) and clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).''

By Mr. SCALISE:

H.R. 3096.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. GOODLATTE:

H.R. 3097.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. GOODLATTE:

H.R. 3098.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. SCALISE:

H.R. 3099.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mr. CANSECO:

H.R. 3100.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power of Congress to make all laws necessary and proper for carrying out the powers vested in Congress and the Executive Branch), and Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States) of the Constitution of the United States.

By Mr. CONAWAY:

H.R. 3101.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to Congress under Article I, Section 9, Clause 7 of the United States Constitution.

By Ms. DELAURO:

H.R. 3102.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. FALEOMAVAEGA:

H.R. 3103.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18—The Congress shall have Power * * * To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. GRAVES of Georgia:

H.R. 3104.

Congress has the power to enact this legislation pursuant to the following:

16th Amendment—The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. HASTINGS of Florida:

H.R. 3105.

Congress has the power to enact this legislation pursuant to the following:

The Sixteenth Amendment to the Constitution of the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 3106.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to exercise exclusive legislation, in all cases whatsoever, over the District of Columbia as described in Section 8 of Article I of the Constitution of the United States of America.

By Mr. NEUGEBAUER:

H.R. 3107.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Ms. NORTON:

H.R. 3108.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of article I of the Constitution.

By Ms. PINGREE of Maine:

H.R. 3109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1—The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. REED:

H.R. 3110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3—the Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. STUTZMAN:

H.R. 3111.

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 3 of the United States Constitution.

Article 1, Section 8, Clause 3 of the United States Constitution bestows upon Congress the authority ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.''

Congress is within its constitutionally prescribed role to reform, limit, or abolish programs maintained by the United States Department of Agriculture, a body which has regulated interstate commerce under the auspices of Congress.

By Mr. TURNER of Ohio:

H.R. 3112.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. YOUNG of Alaska:

H.R. 3113.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 1.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. FRELINGHUYSEN and Mr. GARY G. MILLER of California.

H.R. 104: Mr. ROSKAM.

H.R. 178: Ms. TSONGAS.

H.R. 196: Ms. CASTOR of Florida.

H.R. 210: Mr. PASTOR of Arizona, Mr. SHERMAN, Mr. KUCINICH, Mrs. MCCARTHY of New York, and Ms. MCCOLLUM.

H.R. 361: Mr. CARTER.

H.R. 382: Mr. GUTIERREZ.
H.R. 384: Ms. KAPTUR.
H.R. 402: Mr. SARBANES and Mr. CARNEY.
H.R. 436: Mr. DUNCAN of Tennessee, Mr. DONNELLY of Indiana, and Mr. DANIEL E. LUNGREN of California.
H.R. 452: Mr. LUCAS.
H.R. 531: Mr. CONNOLLY of Virginia and Mr. PETERSON.
H.R. 553: Mr. HINCHEY.
H.R. 640: Mr. CLAY and Mr. MURPHY of Connecticut.
H.R. 645: Mr. MCCLINTOCK.
H.R. 674: Mr. MCNERNEY, Mr. COLE, Mr. BUCHANAN, and Mr. GRAVES of Georgia.
H.R. 689: Ms. RICHARDSON.
H.R. 711: Ms. CHU.
H.R. 733: Mr. FRELINGHUYSEN and Mr. TOWNS.
H.R. 750: Mr. NUNNELEE.
H.R. 787: Mr. SCOTT of South Carolina.
H.R. 817: Mr. RUNYAN.
H.R. 835: Mr. MARINO.
H.R. 860: Mr. LIPINSKI, Mr. SERRANO, Mr. NEUGEBAUER, Mr. BRADY of Pennsylvania, Mr. RICHMOND, and Mr. KING of New York.
H.R. 881: Mr. ROHRABACHER.
H.R. 886: Mr. KINZINGER of Illinois, Mr. FLEMING, Mr. GIBSON, and Mr. HOYER.
H.R. 891: Mr. HOLT.
H.R. 905: Mr. PAULSEN.
H.R. 942: Mr. DOLD.
H.R. 951: Mr. WALSH of Illinois.
H.R. 997: Mr. UPTON.
H.R. 998: Mr. DOGGETT.
H.R. 1048: Mr. DOGGETT.
H.R. 1148: Mr. JONES.
H.R. 1181: Mr. HULTGREN.
H.R. 1195: Mr. LUCAS and Mr. OWENS.
H.R. 1206: Mr. CHABOT.
H.R. 1219: Mr. OWENS.
H.R. 1259: Mr. POE of Texas.
H.R. 1330: Ms. RICHARDSON.
H.R. 1340: Mr. STIVERS and Mr. GIBSON.
H.R. 1342: Mr. TERRY and Mr. RUSH.
H.R. 1351: Mr. CLYBURN.
H.R. 1370: Mr. GARY G. MILLER of California.
H.R. 1394: Mr. MURPHY of Connecticut.
H.R. 1416: Mr. GIBSON.
H.R. 1418: Ms. ZOE LOFGREN of California and Mr. AKIN.
H.R. 1426: Mr. AUSTRIA, Mr. CHANDLER, Mr. TOWNS, and Mr. BISHOP of New York.
H.R. 1449: Mr. JACKSON of Illinois and Mr. PRICE of North Carolina.
H.R. 1457: Mr. KING of New York.
H.R. 1464: Ms. LORETTA SANCHEZ of California.
H.R. 1465: Ms. CHU.
H.R. 1479: Mr. KING of New York.
H.R. 1513: Mr. REYES and Mr. CONYERS.
H.R. 1547: Ms. BERKLEY.
H.R. 1558: Mr. CHANDLER and Mr. HECK.
H.R. 1588: Mr. ACKERMAN.
H.R. 1639: Mr. ROSKAM and Mr. CONAWAY.
H.R. 1653: Mr. SCALISE, Mr. SAM JOHNSON of Texas, and Mr. PETRI.
H.R. 1666: Mr. COURTNEY and Mr. JACKSON of Illinois.
H.R. 1697: Mr. DESJARLAIS, Mr. GRAVES of Missouri, and Mr. BUCSHON.
H.R. 1718: Mr. COURTNEY.
H.R. 1738: Ms. SUTTON.
H.R. 1744: Mr. GARY G. MILLER of California.
H.R. 1746: Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Ms. MCCOLLUM, Mr. SERRANO, Ms. MOORE, Mr. STARK, Ms. WOOLSEY, Mr. MCGOVERN, Ms. SPEIER, Mr. ELLISON, Mr. CONNOLLY of Virginia, and Mr. MARKEY.
H.R. 1749: Ms. MCCOLLUM, Mr. ANDREWS, and Mr. DUNCAN of Tennessee.
H.R. 1756: Mr. SHUSTER and Mr. MARINO.
H.R. 1834: Mr. KELLY and Mr. GRIMM.
H.R. 1840: Mr. RIBBLE.
H.R. 1845: Mr. LANCE and Ms. DEGETTE.
H.R. 1865: Mr. GUTHRIE and Mr. KISSELL.
H.R. 1905: Mr. AKIN, Mr. FARENTHOLD, Mr. GONZALEZ, Mr. CRENSHAW, Mr. JOHNSON of Georgia, Ms. WASSERMAN SCHULTZ, Mr. PALAZZO, and Mr. REED.
H.R. 1936: Mr. POSEY and Mr. ROE of Tennessee.
H.R. 1941: Ms. SUTTON.
H.R. 1943: Mr. GARAMENDI.
H.R. 1946: Mr. LUCAS.
H.R. 1965: Mr. SMITH of Washington and Mr. HINOJOSA.
H.R. 1984: Mr. MORAN.
H.R. 2015: Mr. JACKSON of Illinois.
H.R. 2030: Mr. CICILLINE, Mr. RYAN of Ohio, Ms. ZOE LOFGREN of California, and Mr. FILNER.
H.R. 2033: Ms. NORTON and Mr. MURPHY of Connecticut.
H.R. 2040: Mr. STEARNS and Mr. LANKFORD.
H.R. 2059: Mrs. ROBY, Mr. WILSON of South Carolina, Mr. CASSIDY, Mr. DESJARLAIS, Mr. FORBES, Mr. POMPEO, Mr. DUNCAN of South Carolina, Mr. BILIRAKIS, Mr. GALLEGLY, Mr. AUSTRIA, and Mr. TURNER of New York.
H.R. 2077: Mr. GRIMM.
H.R. 2104: Ms. NORTON and Mr. SMITH of Washington.
H.R. 2123: Mr. JACKSON of Illinois.
H.R. 2131: Mr. WELCH, Mr. JONES, and Ms. PINGREE of Maine.
H.R. 2159: Mr. MCNERNEY and Mr. BACA.
H.R. 2167: Mrs. MALONEY, Mr. HINOJOSA, Mr. SMITH of Washington, and Mr. CARNEY.
H.R. 2180: Mrs. MALONEY and Mr. HINCHEY.
H.R. 2187: Mrs. NAPOLITANO.
H.R. 2234: Mr. POLIS, Ms. DELAURO, Ms. BROWN of Florida, Ms. JACKSON LEE of Texas, Mr. FRANK of Massachusetts, Mr. CONYERS, Mr. GRIJALVA, Ms. NORTON, Mr. LYNCH, Mr. RUSH, Mr. JACKSON of Illinois, Ms. LINDA T. SÁNCHEZ of California, Mr. GONZALEZ, Ms. LEE of California, Mr. SCHIFF, Mrs. DAVIS of California, Ms. MCCOLLUM, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 2245: Ms. WOOLSEY, Mrs. ROBY, and Mr. PLATTS.
H.R. 2247: Mr. JACKSON of Illinois.
H.R. 2269: Mr. LOEBSACK, Mr. KEATING, Mr. HIGGINS, Mr. ACKERMAN, Mr. MCNERNEY, Mrs. CAPPS, Mr. BISHOP of New York, Mr. COHEN, and Mr. LEVIN.
H.R. 2275: Mr. ADERHOLT.
H.R. 2324: Mr. HULTGREN.
H.R. 2353: Mr. COURTNEY, Mr. PETRI, Ms. JACKSON LEE of Texas, Mr. WALBERG, Mr. GUTIERREZ, and Mr. FILNER.
H.R. 2369: Mr. BACA, Mr. LAMBORN, Mr. VAN HOLLEN, Mr. WOLF, Mr. SCHOCK, Mr. DENHAM, Mr. REHBERG, Mr. LUETKEMEYER, Mr. FORBES, Mr. TIPTON, Mr. HURT, Mr. SCHWEIKERT, Mr. FARR, Ms. SCHAKOWSKY, Mr. GINGREY of Georgia, and Mr. PAYNE.
H.R. 2446: Mr. FINCHER, Mr. STIVERS, and Mr. CLEAVER.
H.R. 2447: Mr. LATHAM, Mr. BARROW, Mr. LARSON of Connecticut, Mr. MICA, Mr. STEARNS, Mr. LIPINSKI, Ms. SCHAKOWSKY, Mr. ALTMIRE, Mr. KING of New York, Mr. FLORES, Mr. VAN HOLLEN, Ms. SPEIER, Ms. DELAURO, Mr. ROGERS of Michigan, and Mr. PIERLUISI.
H.R. 2471: Mr. COURTNEY and Mr. DANIEL E. LUNGREN of California.
H.R. 2477: Mr. COOPER, Mr. HOLDEN, Mr. ROSS of Arkansas, and Mr. BACA.
H.R. 2492: Mr. CLARKE of Michigan, Mr. PETERS, Mr. REYES, Mr. POLIS, Mr. SERRANO, Mr. ACKERMAN, and Mr. MCGOVERN.
H.R. 2505: Mr. HINCHEY.
H.R. 2514: Mr. HANNA.
H.R. 2539: Ms. NORTON, Ms. BASS of California, and Mr. AL GREEN of Texas.
H.R. 2540: Mr. COHEN.
H.R. 2563: Mr. CRAVAACK.
H.R. 2569: Mr. PAULSEN, Mr. HERGER, and Mr. KINZINGER of Illinois.
H.R. 2585: Mr. COLE, Mr. BARTLETT, and Mr. SOUTHERLAND.
H.R. 2595: Mrs. LOWEY, Mr. JONES, and Mr. PLATTS.
H.R. 2621: Mr. GARDNER.
H.R. 2637: Mr. POLIS.
H.R. 2657: Mr. FARR and Mr. MCGOVERN.
H.R. 2668: Mr. KING of New York.
H.R. 2671: Mr. MCCAUL and Mr. KING of New York.
H.R. 2672: Mr. KINZINGER of Illinois.
H.R. 2674: Mr. HEINRICH and Mr. KELLY.
H.R. 2675: Mr. STIVERS.
H.R. 2699: Mr. THOMPSON of Pennsylvania and Mr. KLINE.
H.R. 2701: Mr. JACKSON of Illinois.
H.R. 2720: Mr. POE of Texas.
H.R. 2723: Mr. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. HASTINGS of Florida, Ms. FUDGE, Mr. DEUTCH, Ms. HOCHUL, Ms. MOORE, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.
H.R. 2724: Mr. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.
H.R. 2725: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.
H.R. 2726: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.
H.R. 2727: Ms. HANABUSA, Mr. CONYERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KEATING, Ms. SEWELL, Mr. CUMMINGS, Mr. DAVID SCOTT of Georgia, Mr. CICILLINE, Mr. BUTTERFIELD, and Ms. RICHARDSON.
H.R. 2752: Mr. SCOTT of South Carolina and Mr. HECK.
H.R. 2770: Mr. TIPTON.
H.R. 2774: Mr. GRAVES of Georgia and Mr. SCOTT of South Carolina.
H.R. 2787: Ms. ESHOO and Mr. GRIJALVA.
H.R. 2815: Mr. DANIEL E. LUNGREN of California.
H.R. 2829: Mr. FARENTHOLD, Mr. FITZPATRICK, Mr. HALL, Mr. GARY G. MILLER of California, Mr. MILLER of Florida, Mr. RYAN of Wisconsin, and Mr. TIPTON.
H.R. 2833: Mr. GRIMM, Ms. JENKINS, and Mr. MCCLINTOCK.
H.R. 2857: Ms. EDWARDS.
H.R. 2859: Mr. TOWNS.
H.R. 2881: Mr. CRENSHAW.
H.R. 2888: Mr. POE of Texas and Mr. KING of New York.
H.R. 2898: Mr. CANSECO, Mr. BARTLETT, Mr. KING of Iowa, Mr. BROOKS, Mrs. MYRICK, Mr. COLE, and Mr. BROUN of Georgia.
H.R. 2900: Mr. WALSH of Illinois.
H.R. 2905: Mr. TOWNS.
H.R. 2926: Mr. LANKFORD, Mr. WALSH of Illinois, and Mr. CRAWFORD.
H.R. 2945: Mr. MULVANEY, Mrs. BLACKBURN, Mr. PITTS, Mr. HUELSKAMP, Mr. BARTLETT, Mr. SOUTHERLAND, Mr. KINGSTON, Mr. HULTGREN, Mr. YODER, Mr. BILBRAY, and Mr. BROOKS.
H.R. 2948: Mr. CARNAHAN, Mr. RAHALL, Mr. CONYERS, Mr. CARSON of Indiana, Ms. FUDGE, Ms. Hahn, Ms. LEE of California, Mr. TOWNS, Mr. LARSON of Connecticut, Mr. GRIJALVA, Mr. JOHNSON of Georgia, Mr. HINCHEY, Ms. BROWN of Florida, Mr. OLVER, Ms. KAPTUR, Mr. KUCINICH, Mr. CLEAVER, Mr. FILNER, Mr. CUMMINGS, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. EDWARDS, and Mr. BRADY of Pennsylvania.
H.R. 2962: Mr. PAUL.
H.R. 2966: Mr. GRIMM and Mr. SARBANES.
H.R. 2972: Mr. ANDREWS.
H.R. 2982: Mr. KLINE, Ms. BASS of California, Mr. SENSENBRENNER, and Mr. CHABOT.
H.R. 2994: Ms. PINGREE of Maine and Mrs. NAPOLITANO.

H.R. 3005: Ms. DELAURO.

H.R. 3009: Mr. FRANKS of Arizona, Mr. KINGSTON, Mr. POSEY, Mr. FLORES, Mrs. MYRICK, Mrs. BLACKBURN, and Mr. ROSS of Florida.

H.R. 3015: Ms. NORTON.

H.R. 3053: Ms. ROYBAL-ALLARD.

H.R. 3059: Mr. KING of New York, Mr. PAUL, Mr. MARKEY, and Mr. MORAN.

H.R. 3063: Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. SERRANO, and Mr. FILNER.

H.R. 3065: Mr. LUETKEMEYER, Mr. DUNCAN of South Carolina, Mr. WALBERG, and Mr. WITTMAN.

H.R. 3072: Mr. THORNBERRY.

H.R. 3087: Mr. WITTMAN.

H.R. 3089: Ms. DELAURO.

H.J. Res. 13: Mr. WILSON of South Carolina and Mr. CRAWFORD.

H.J. Res. 62: Mr. ROONEY.

H.J. Res. 73: Mr. HERGER.

H. Con. Res. 72: Mr. RANGEL and Mr. CARSON of Indiana.

H. Res. 177: Mr. RYAN of Ohio.

H. Res. 295: Mr. LATTA and Mr. CROWLEY.

H. Res. 298: Mr. DONNELLY of Indiana.

H. Res. 318: Mr. CICILLINE.

H. Res. 336: Ms. SUTTON, Mr. SESSIONS, Mr. CONNOLLY of Virginia, Mr. MCINTYRE, Mr. BUTTERFIELD, and Mr. BACA.

H. Res. 364: Mr. GOODLATTE, Mr. GALLEGLY, Mr. LATHAM, Mr. MCHENRY, Mr. RIGELL, Mr. HURT, Mr. DUNCAN of South Carolina, Mr. MCKINLEY, Mrs. CAPITO, Mr. GARDNER, Mr. CASSIDY, Mrs. BACHMANN, and Ms. DELAURO.

H. Res. 365: Ms. NORTON.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, FIRST SESSION

Vol. 157 WASHINGTON, WEDNESDAY, OCTOBER 5, 2011 *No. 148*

Senate

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, in whom we live and move and have our being, give our Senators Your blessing as they seek to serve this Nation and all people.

Lord, we lift our hearts and thoughts to You today, for You alone reign over creation and sustain us in good and bad times. Give us a sense of fairness in all we do; that Your message of peace and justice will be known in the lives of all citizens. Give us strength to do what we can do and to be what we can be as we remember that without You, we can do nothing.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUYE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, October 5, 2011.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUYE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

Mr. REID. I note the absence of a quorum, Madam President.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, following leader remarks, the Senate will be in a period of morning business for 1 hour. Republicans will control the first half and the majority will control the final half.

Following morning business, the Senate will resume consideration of S. 1619. As a reminder to all Senators, cloture was filed on the bill last night. As a result, the filing deadline for first-degree amendments is 1 p.m. today. Unless an agreement is reached, the vote on cloture will occur tomorrow morning. The Republican leader and I have had a number of discussions, and we will decide if there will be amendments on the China trade legislation. It is my understanding that both Democrats and Republicans will offer some amendments, and certainly we can do that even though there is a cloture motion that has been filed.

AMERICAN JOBS ACT

Mr. REID. Madam President, Franklin Roosevelt said that no man can truly be free without economic security. With 14 million people unemployed—out of work—in America, there are far too many people living in the richest Nation in the world, yet unable to enjoy the full freedom and independence for which America stands. So this Congress has no greater challenge—none—and no more important responsibility than to enact the policies that help American businesses flourish and grow, put American citizens to work, and get our struggling economy back on track to prosperity. So I was disappointed yesterday when my Republican friends chose to play political games with not one but two pieces of important job-creating legislation.

The bill before the Senate will even the odds for American workers and manufacturers in the global marketplace by stopping unfair currency manipulation by the Chinese Government. It would support 1.6 million American jobs, and it has the support of Democrats, Republicans, labor leaders, and business groups. We should pass it quickly so we can move on to other important work facing the Senate this month. But yesterday Republicans threatened to derail this legislation, even though they overwhelmingly support it, and allow China to continue to tilt the playing field.

Also up for debate this work period, which ends in 2 weeks, is commonsense jobs legislation proposed by the President of the United States. President Obama's plan would invest in roads, bridges, dams, and other construction efforts to create jobs. It would put construction crews back to work building and renovating schools. It would extend unemployment insurance for Americans who are still struggling to find work. In that regard, Mark Zandi, who certainly is no Democratic spokesperson—in fact, he was the economic adviser for JOHN MCCAIN's Presidential

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

election—said there is no more important stimulus for the economy than giving an unemployment check to somebody who is out of work. President Obama's legislation would expand the payroll tax credit, which has been very popular. It is a tax credit that will provide immediate relief to middle-class families and businesses. This legislation would revitalize communities that have been devastated by foreclosures.

The President's plan includes some ideas proposed by Republicans and others offered by Democrats. No matter what, this legislation is fully paid for. We may have different ideas on how to pay for it, but we know the President's legislation is a smart, effective way to spur job creation.

Democrats have listened to the American people, and they have been very clear. The American people believe it is time for millionaires and billionaires to pay their fair share to help this country thrive. Americans from every corner of the country and every walk of life agree. Democrats, Republicans, and Independents agree. Asked if they support a plan that would require people who make more than $1 million a year to contribute a little more to ensure this country's economic success, the results were resounding, stunningly strong: Nearly 80 percent of Americans said yes. Wealthy Americans agree. Two-thirds of the people making more than $1 million a year said they would gladly contribute more. A supermajority of Republicans agree, with two-thirds saying they supported the idea. And even a majority—52 percent—of the tea party members agree. So when Democrats bring this commonsense jobs legislation to the floor, we will ask Americans who make more than $1 million a year to contribute a little more to help this country reduce its jobs deficit.

I am sure my Republican colleagues would like the opportunity to debate how this Congress tackles the most important issue facing our Nation today: the unemployment crisis. So I will happily work with the Republican leadership to ensure a fair process that gives Senators the opportunity to be heard. That is why I was so disappointed yesterday when my friend the Republican leader attempted to snuff out debate and prevent a bipartisan discussion about how to move the American Jobs Act forward. Rather than debating this bill on the floor as we usually do, he wants to tack this important job creator onto an unrelated measure simply as an afterthought.

I was willing to proceed to debate on the legislation yesterday, but the Republicans blocked that request. They even blocked that. Instead, they demanded an immediate up-or-down vote, with no opportunity for debate, discussion, or amendments. Again and again during the last few weeks, Republicans have rejected an all-or-nothing approach to this legislation. So imagine my surprise when they were unwilling to engage in the thoughtful debate this bill deserves. Instead, they took the very all-or-nothing approach they were so concerned about only a few hours earlier.

This Nation's unemployment crisis is very serious business, but Republicans are more interested, it seems, in partisan games much of the time and political stunts than serious legislating. Fourteen million unemployed Americans deserve better. We live in a nation founded on the principle that every American has a right to personal liberty. But if Franklin Roosevelt was correct that no man is free who lacks economic security—and I am confident he was right—then we must do better as a Congress and as a country. I assure everyone within the sound of my voice that Democrats will do whatever we can to heal our ailing economy, even if it means the richest of the rich in America have to contribute a little bit more tomorrow than they do today.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

VOTE ON THE JOBS BILL

Mr. MCCONNELL. Madam President, for the past 3 weeks President Obama has been racing around the country trying to rally public support for a second stimulus bill and demanding that Congress pass it right away. The President has not been demanding that Congress debate the bill or be allowed to amend the bill. He has demanded in no uncertain terms that we hold a vote on the bill as it is, right away.

A couple weeks ago in Denver, the President said he has the pens all ready, lined up on his desk, ready to sign the bill into law. Just yesterday in Texas, he called on Congress to put the bill up for a vote so the entire country knows exactly where every Member of Congress stands. One of the President's top advisers, David Axelrod, summed up the President's position this way: ''We want them to act now on this package,'' David Axelrod said. ''We're not in negotiations to break up the package. It's not an a la carte menu.''

So yesterday I tested the President's rhetoric. I proposed that we do exactly what he wants and vote right away on this second stimulus bill he has proposed as the supposed solution to our jobs crisis. And the Democrats blocked it. In other words, the President's own party is the only obstacle to having a vote on his so-called jobs bill. Now I understand our Democratic friends want to jettison entire parts of the bill altogether, not to make it more effective at growing jobs, not to grow bipartisan support. No, they want to overhaul the bill to sharpen its political edge. So my suggestion to the White House is that if the President wants to keep traveling around the country demanding a vote on this second stimulus, he focus his criticism on Democrats, not Republicans, because they are the ones who are now standing in the way of an immediate vote on this legislation.

But, of course, the President knew as well as I did that many Democrats in Congress do not like the bill any more than Republicans do. Despite his rhetoric, he knew Republicans were not the only obstacle, which means one thing: The President is not engaged right now in a good-faith effort to spur the economy or create jobs through legislation. He is engaged in a reelection campaign. By the way, the election is not until 14 months from now.

Madam President, 1.7 million Americans have lost jobs since the President signed his first stimulus, and his idea of a solution is to propose another one. Even Democrats know it is a nonstarter, which is why so many of them do not want to have to vote for it. That is what we all witnessed here in the Senate yesterday.

It is time the President put an end to this charade. Stop campaigning for a bill written in a way to guarantee it will not pass and work with us on the kind of job-creating legislation both parties can agree on, things such as the trade bills, rolling back overburdensome regulations, domestic energy production, and tax reform. Republicans are ready to act on any and all of those issues.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Madam President, it has come to my attention that the majority leader has written to the chairman and ranking member of the Armed Services Committee asking them to modify the committee-reported National Defense Authorization Act for fiscal year 2012 before he will allow the Senate to consider that bill.

The White House has made it clear that it objects to certain provisions dealing with the detention of unlawful enemy combatants and captured members of al-Qaida and associated groups. As the ranking member of the Armed Services Committee explained to the Senate, the committee voted in favor of those provisions overwhelmingly.

My request to the majority leader would be to move to the National Defense Authorization Act at the soonest possible moment to allow the Senate to debate and amend the bill. If there are Members on the other side who support the White House's effort to bring unlawful enemy combatants into the United States for purposes of detention and civilian trial, the Senate can debate that matter during consideration of the bill. I know many Members on my side would very much appreciate a debate on the importance of keeping detainees currently held at Guantanamo from returning to the battlefield, especially in places such as Yemen.

Once the Senate completes consideration of the Defense Authorization Act,

it could then move to consideration of the Defense appropriations bill—another measure I assume would be subject to debate and amendment.

IN MEMORY OF OWSLEY BROWN II

Mr. MCCONNELL. Madam President, I rise today to pay tribute to a great friend of the city of Louisville, a giant in both business and philanthropy who made Kentucky products famous around the globe, and a man whom I was proud to call a friend for more than 30 years. It is with great sadness that I report to my Senate colleagues that Owsley Brown II of Louisville, KY, passed away September 26 at the age of 69. He will be mourned and missed by many, not only by his family and those fortunate enough to know him but also by the countless Louisvillians who did not get to meet the man personally but benefited from his numerous volunteer efforts and initiatives on behalf of our community.

Owsley Brown II was born in 1942, the son of William Lee Lyons Brown and Sally Shallenberger Brown, who herself passed away just a few months ago at the age of 100, as I noted at the time on the Senate floor. After graduating from Yale University and Stanford University's Graduate School of Business, Owsley spent 37 years at Brown Forman, the company his great-grandfather founded, including 12 years as chief executive and 12 years as chairman. He started at Brown Forman in 1961 as a summer employee.

Owsley continued a family legacy that dates back to Brown Forman's founding in 1870. Brown Forman is one of Louisville's most significant companies and a major corporate citizen of our community. It provides almost 1,200 local jobs and still makes whiskey in Jefferson County.

As CEO, Owsley was a visionary in expanding the company's international footprint and modernizing the marketing of its brands. As a result, labels such as Jack Daniel's and Southern Comfort are now recognized worldwide. Under his leadership, Brown Forman stock more than quadrupled in value.

But to describe Owsley as merely a businessman, even a brilliant one, would be to just scrape the surface of the ice cube in a tall glass of Old Forester bourbon with water—Owsley's favorite drink. With his wife Christy, he did much to improve the quality and character of life in Louisville. He led organizations to support art and music, historic preservation and environmental protection. He was a leader in the founding of Actors Theatre of Louisville and a longtime board member. He served on the board of the Speed Art Museum and was active in the Fund for the Arts and River Fields. His family's Owsley Brown Charitable Foundation, of which he was president, gave millions of dollars to local churches and community groups.

Owsley did a lot more than just write checks. He was passionately involved in everything he took part in. As the Actors Theatre board president, he was often seen cleaning the windows or moving props. His deep knowledge of art came in handy on visits to art fairs on behalf of the Speed Art Museum. He could inspire others to donate more of their time, efforts, and resources on behalf of the causes he cared so deeply about just by setting the example.

I first met Owsley more than 30 years ago and saw then that he represented the very best Louisville and the Commonwealth of Kentucky have to offer. Elaine and I send our deepest condolences to his family, including his wife Christy, his three children: Owsley III, Brooke Barzun, and Augusta Holland, and his many other beloved family members and friends.

Madam President, the Louisville Courier-Journal published recently an obituary of Owsley Brown II that only begins to describe a full life well lived. I ask unanimous consent that the full article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Courier-Journal, Sept. 29, 2011]

BROWN, OWSLEY II

Brown, Owsley II, 69, died September 26, 2011, in Louisville with his family by his side.

Mr. Brown was born September 10, 1942, the son of William Lee Lyons Brown and Sara ''Sally'' Shallenberger. He was a graduate of Woodberry Forest School, Yale University, where he received his B.A. in history in 1964, and Stanford University's Graduate School of Business.

The great-grandson of Brown-Forman Corporation founder George Garvin Brown, Owsley spent 37 years of his professional life with the company, starting as a summer employee in 1961. He became president in 1983, chief executive officer from 1993–2005 and chairman from 1995 until 2007. While at the helm of the company, he led efforts to dramatically expand its international presence and significantly modernized its marketing efforts. The strategy worked exceptionally well, as brands such as Jack Daniel's, Southern Comfort and Finlandia became internationally recognized names, producing stellar financial returns.

He served as an Army intelligence officer at the Pentagon from 1966–1968 and in 2010 was appointed by the Obama Administration to serve on the U.S. Department of Defense Business Board. In addition to his service on the Brown-Forman board, Owsley served on the board of NACCO Industries, Inc.

Owsley was a leader in the founding of Actors Theatre of Louisville and a longtime board member, twice serving as president during major fund drives as it built its facilities. He served on the boards of the Speed Art Museum, where he most recently headed up the Capital Campaign and Building Committee for its expansion; Fund for the Arts (as chairman and president); Kentucky Center for the Performing Arts; and Partnership for Creative Economies. Previous boards he served on include River Fields, the Advisory Council of the Yale School of Forestry and Environment and the National Council of the National Trust for Historic Preservation. He also served on the International Council of Trustees for the World Conference of Religions for Peace. He was a former director of the Louisville Gas and Electric Company and its successor LG&E.

He received the Governor's Milner Award, Kentucky's highest award for contributions to the culture of his state, and this year received the Woodrow Wilson Award for Corporate Citizenship. Also this year he and his wife Christy received the Greater Louisville Inc.'s Gold Cup Award for distinguished service to Louisville. He earned the J. Russell Groves Citizens Laureate Award, honoring individuals who consistently encourage quality architecture in their communities. His lifetime interest in historic preservation was demonstrated in many projects, including the restoration and expansion of Actors Theatre of Louisville.

He is survived by his wife, Christina Lee; son, Owsley III (Victoire) and their children Chiara, William and Catalina; daughters, Brooke Barzun (Matthew) and their children, Jacques, Eleanor and Charles; and Augusta Holland (Gill) and their children Cora, Owsley and Lila; brothers, W. L. Lyons Brown Jr. (Alice Cary) and Martin S. Brown; sister, Ina Brown Bond (Mac); brother-in-law, O'Donnell Lee (Jeanie); and numerous nephews, nieces, great-nephews and great-nieces.

Owsley will be remembered as profoundly wise, earned from a life of curiosity, honesty, and discipline. From his wisdom flowed humility and passionate kindness. It made him a great leader, father, husband and friend, and it made him a great man.

He loved and supported the things that enrich the soul and spirit—his wife and children, the creative arts, the natural world, public-spirited enterprises, and, above all, Louisville. Nothing pleased him more than bringing all these things together at a party—welcoming all with his special brand of Kentucky hospitality. He knew how to find joy in work and obligations. Owsley knew when to listen and when to laugh.

He will be missed.

The funeral will be celebrated 10 a.m. Friday at Christ Church Cathedral, Episcopal, 421 S. Second St., with private burial to follow. Visitation will be 3–6 p.m. Thursday at the Speed Art Museum, 2035 S. Third St. Funeral arrangements are being handled by A.D. Porter & Sons, Inc.

In lieu of flowers, expressions of sympathy may be made to either Fund for the Arts or Metro United Way.

Mr. MCCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the second half.

The Senator from Tennessee.

JOBS

Mr. ALEXANDER. Madam President, our country has endured a 9-percent unemployment rate for a longer period of time than at any other time since

the Great Depression. Yet, unfortunately, the Democratic leader is reluctant to address this problem of joblessness in a serious way.

One way to address it would have been to take the three trade agreements, which were negotiated 4 and 5 years ago—one with Colombia, one with South Korea, one with Panama—and send them up to the Senate and House and let us ratify them and let us move ahead to avoid losing 350,000 jobs—that is an estimate of the U.S. Chamber of Commerce—or create as many as a quarter of a million jobs—that is the estimate of the White House. Yet those three trade agreements had been sitting on the President's desk since the day he took office nearly 3 years ago. They arrived yesterday—or Monday, I suppose it was—and they are here waiting for us to act on them.

Every day we do not act on them delays the day when we avoid losing 350,000 jobs or create 250,000 jobs. That has been the case every day for the last nearly 1,000 days. That would be a good way to address the jobs issue, but we have not. Instead, we had the President going around the country during the summer blaming Republicans for not acting on the three trade agreements when, in fact, the President had not sent them to us. There is no way the Congress can act on them until the President forwards them, which he now has. And if he has, why are we not debating them today? That would be a good way to deal with the jobs issue.

Here is another example. On September 8, the President came before the Congress and proposed his jobs bill. He said, if I counted correctly, and I was sitting respectfully in the second row, almost in the front row—I think he said as many as 17 times: Pass this jobs bill now. And if that were not enough, he has said it almost every day since then. The Republican leader mentioned it a few times. He was in Dallas yesterday. Pass this jobs bill now; I am ready to enact it, said the President of the United States. Well, it has been sitting there on the Democratic leader's desk for the last couple of weeks, ever since the President sent it up here. He spoke about it on September 8.

The person in this body whose job it is to set the agenda is the Democratic leader, a member of the President's own Democratic Party. Why doesn't he bring it up? So yesterday the Republican leader said: I will show courtesy to the President. I will ask the Senate to do what the President has asked that we do, which is pass this jobs bill now, and the Democratic leader objected.

So here for the second time we have the President running around the country saying one thing, and then we try to do it, and his leader in the Senate objects. What are we doing instead? Well, a couple weeks ago the Democrats manufactured a crisis over disaster aid when we could have been debating the trade bill, the jobs bill, and we could have been offering the Republican proposals we have to encourage trade, to give this President and future Presidents new trade authority, to reform the tax law, and to have a timeout on regulations that are throwing a big, wet blanket, making it more expensive and harder to create new jobs in America. That would have been the kind of debate we could have had on the Republican proposals we believe would make a difference in this urgent jobs situation which has given us 9-percent unemployment for a longer period of time than at any other time since the Great Depression.

So now this week, what are we doing? Well, we are debating a piece of legislation. The Democratic leader has decided this is the important piece of legislation to deal with jobs this week. And what will it do? It will give a punch in the nose to China, our second largest trading partner, our third largest export market, our fastest growing export market, and the second largest economy in the world. History teaches us what will happen. We saw that during the Great Depression. Perhaps it was the cause of the Great Depression. We remember the Smoot-Hawley tariff, the trade war that developed, the reciprocal punches in the nose that countries gave to themselves over trade, plunging the world into a depression.

So here we are in a fragile moment, when headlines are saying we may be about to dip into a second recession, and what do we do? The Democratic majority says their best idea about creating jobs is to punch in the nose our second largest trade partner, our third largest export market, and our fastest growing export market, even though we know exactly what they will do to us. History teaches us they will punch us right back in the nose, and the result will be a trade war, which destroys jobs rather than creates jobs.

Such legislation as that now pending on this floor is not how the world's strongest economy, the United States of America, should conduct itself. Such legislation is a sign of weakness or lack of self-confidence or defeatism that is not worthy of the United States of America.

In Tennessee, we see the advantages of trading with the world, including with China. China is our third largest export market, after Canada and Mexico. Our leading exports are chemicals and agricultural products. Tennessee exports to China totaled $1.85 billion, a 43-percent increase over 2009. A little over 7 percent of all of our exports went to China. In Tennessee, 116,000 jobs are related to the export of manufactured goods; 5.3 million jobs in America. At a time of joblessness, why should we be punching in the nose someone to whom we might sell goods and that would create jobs in the United States?

What should we do instead? Of course, there is legitimate concern about the way China values its currency. The administration should work with China to change that. China should accelerate the appreciation of its currency. But what else should the United States of America do? We might take a lesson from history.

I remember 30 years ago, when I was just beginning my time as Governor of Tennessee, China was not the country in the news. It was Japan. There were books written: Japan, No. 1. The United States was, as it is today, the world's largest economy, but everybody was predicting: Watch out for Japan. Japan is becoming No. 1. The United States cannot keep up with Japan, it was said. Their autos, their computers, their electronic goods, their other sophisticated goods were going to overwhelm our markets, and we would quickly fall behind.

There was in the early 1980s a $46 billion trade deficit with Japan. What did we do? Well, we did not act defeatist. We did not play games. We did not act as if we were the fifteenth largest economy in the world instead of the first. We asserted ourselves. We went to Japan and said to them: Make in the United States what you sell in the United States and take down your trade barriers so we can sell in your country what we make in ours.

I went there myself. I remember vividly going to Tokyo in 1979, in November. I met with the Nissan officials. They were considering locating a manufacturing plant in the United States. At that time, they were making all of the Nissan cars and all the Nissan trucks in Japan that they sold in the United States. But they wanted to be in this market, which was and is the most profitable automobile market in the world. So we said to them: Make here what you sell here. And they did. They came to the United States. And where are we 30 years later? Nissan is saying to us that they have operated for 25 years now the most efficient automobile and truck plant in North America, and they are going to be making 85 percent of what they sell in the United States here in the United States.

Nothing has done more to create higher incomes and better jobs in Tennessee than the arrival of Nissan and the Japanese industry, followed by the American auto industry, in our State over the last 30 years. That is how a strong and confident country asserts itself in world competition. That is not just true with automobiles, it is true with many other manufacturing companies that have come to our State from Japan and from other places. That is exactly the way we ought to deal with China.

Our administration can assert itself in a variety of ways about the currency issue. But we should not act as though we are afraid of China anymore than we were afraid of Japan 30 years ago. We should seize this as a moment of opportunity. We should not escalate a trade war that no one will win. We should grow trade in sales and investment in China and urge them to make

in the United States what they sell in the United States. If they should do that, that will create jobs here rather than destroy jobs, as history teaches us a trade war will do.

I hope the Senate will decisively reject the legislation that is being proposed to initiate a trade war with China.

REPEAL OBAMACARE

Mr. ALEXANDER. Madam President, in February of last year, we had a fairly extraordinary event at the Blair House here in Washington. The President invited a large number of Members of Congress—must have been 20 or 30 of us around the table. He sat there the whole day, and we sat around the table and we talked about health care. It was called the Health Care Summit.

A great many Americans watched that live on television, and because of the Internet and other explosions of new media, they still watch some of the things that were said that day. The reason I know that is because people have come up to me often and talked about an exchange I had with the President of the United States.

The issue was about health care premiums in the individual market. Citing a Congressional Budget Office letter, I said to the President: ''Mr. President, respectfully, your new health care law that you propose is going to increase individual premiums.''

He stopped me and said:

Now Lamar, let's get our facts straight. You are wrong about that.

He proceeded to explain to me why I was wrong and he was right. With all respect, I believe I was right and even just a little year later, what the Congressional Budget Office was saying then, which was that individual premiums would go up as a result of the health care law, the last 17 months have shown that we were exactly right. This last week the Kaiser Family Foundation released a survey that showed the average family premium for employer-sponsored insurance was $15,000 in 2011, a 9-percent increase over the previous year. Let me quickly say that employer-sponsored insurance is not the same as the individual insurance I was talking about with the President a year ago. But it is the same subject. Republicans were saying that we opposed the health care bill because it would increase premiums, and what we wanted to do was to lower the cost of health care for Americans by going step by step in that direction rather than expanding an expensive health care system that was already too expensive for more Americans, and doing it in a way that would increase premiums for many Americans.

ABC News said the Kaiser Family Foundation report ''underlines that many of the promises surrounding President Obama's health care legislation remain unfulfilled. Though the White House argues that change is coming.''

Even the New York Times on September 27 said: The steep increase in rates is particularly unwelcome at a time when the economy is still sputtering. Many businesses cite the high cost of coverage as a factor in their decision not to hire. And health insurance has become increasingly unaffordable for many Americans.

I reported on this Senate floor my conversations with the chief executive officers of restaurant chains around the country. Together they are the second largest employer in the country after the government, and they employ a great many young people and low-income people, the kind of men and women who are looking for jobs today. What they were telling me was that the mandates of the health care law will make it more difficult for them to hire people. In one specific example, one of the largest of the restaurant chains was saying that he operates his store with 90 employees today, and because of the health care mandates, he will seek to operate his store with 70 employees a day. That is not a way to increase the number of jobs.

But there are other provisions in the health care law that cause premiums to go up, which was the point of my discussion with the President in February of 2010.

The CMS Chief Actuary predicted in 2010, saying that by 2014—still a couple of years away, 3 years away—growth in private health insurance premiums is expected to accelerate to 9.4 percent, 4.4 percent higher than in the absence of health reform.

The President had said in his discussion with me that under the law he proposed, the individual market would cost 40 to 20 percent less. That was also in the Congressional Budget Office letter. But those reductions were overwhelmed by other costs that were identified in the CBO letter that would produce a 27- to 30-percent increase. So the net result, according to the predictions in November 2009 by the Congressional Budget Office, was there would be an increase in individual premiums of 10 to 13 percent.

These individual market premiums, premiums that individuals buy without an employer's help, are not the largest share of insurance policies in America, but they affect roughly 12 to 15 million Americans. That is a lot of people who are having their insurance costs go up.

Aon Hewitt's recently released 2011 Health Insurance Trend Driver Survey reports that for 2011, individual health care plans reported estimated 4.7-percent increases directly due to the new health care law.

Then according to the September 8, 2010 Wall Street Journal article:

Health insurers say they plan to raise premiums for some Americans as a direct result of the health overhaul in coming weeks, complicating Democrats' efforts to trumpet their significant achievement before the mid-term elections. Aetna, some Blue Cross Blue Shield plans and other smaller carriers have asked for premium increases of between 1 and 9 percent to pay for extra benefits required under the law.

In the same article it says Aetna said that extra benefits forced it to seek rate increases for individual plans of 5 to 7 percent in California, and 5.5 to 6 to 8 percent in Nevada. That was precisely the discussion I was having with the President in February 2010, when I said that under the health care law, because of the mandates in the law, individual health care premium costs will go up.

In Wisconsin and North Carolina, according to that same article, Celtic Insurance Company says half of the 18-percent increase it is seeking comes from complying with health care mandates.

Then in a September 16 article last year in the Hartford Courant, ConnectiCare is seeking an average 22-percent hike for its individual market HMO plans. Anthem Blue Cross and Blue Shield in Connecticut say in a letter, it expects the Federal health reform law to increase rates by as much as 22.9 percent for just a single provision.

These increases happen for predictable reasons. Because of the requirements in the law for minimum credible coverage—in other words, if you are required to buy a better kind of health insurance, if you are required to buy a Cadillac instead of a Chevrolet, it is going cost more. And it does cost more.

Another factor that will cause insurance premiums to rise is the new taxes on insurance, lifesaving medical devices and medicines in the health reform law. Someone has to pay for those costs, and the ones who are going to pay for them are the people who buy health insurance.

Then there is the question of what we call cost shift. When we add 25 million Americans to Medicaid, premiums will increase because the costs will shift to private insurers to help pay for those costs. That is according to the Chief Actuary of CMS which is in this administration.

Then, finally, age rating is going to cause insurance premiums to go up. What it basically says is that older Americans will not have to pay as much, so younger Americans are going to have to pay more. It is no surprise that under the new health care law, health insurance premiums are going up, becoming an even bigger drag on employment and on family budgets. This was predicted by the Congressional Budget Office while we were debating the health care law. It was predicted by Republicans who offered an alternative to take steps to decrease costs in health care, instead of this big, comprehensive law that expanded the system that already costs too much.

It offers even more reasons why we should repeal or make significant changes in the health care law if we want to create an environment in which we can make it easier and cheaper to grow private sector jobs, and in which more Americans can afford a reasonable cost health insurance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. CORKER. It is rare that I am down here on the floor with the senior Senator from Tennessee, but it is always a pleasure. I certainly appreciate his great leadership and especially today. I enjoyed all of his comments. But his comments about the China currency bill probably should be labeled the China trade war bill, because I think that is where it would lead.

(The remarks of Mr. CORKER pertaining to the introduction of S. 1655 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

CURRENCY EXCHANGE

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Madam President, as a cosponsor, I rise today in strong support of the Currency Exchange Rate Oversight Reform Act. This is a bipartisan effort that will protect U.S. manufacturers from economic harm caused by unfair and damaging currency manipulation.

Unemployment throughout Rhode Island and the Nation has been persistently high and corrosive. It is caused in part by the effects of currency manipulation, particularly China's devaluation of the yuan. This is one of the challenges that manufacturers and hard-working individuals in Rhode Island and across the Nation face each day.

The effects of unfair currency manipulation have caused far too much harm for far too long. It has resulted in distorted trade balances that hurt U.S. workers and our Nation's economy as a whole.

Confronting Chinese currency manipulation sends a very strong signal. If implemented correctly, it will create jobs, aid our economic recovery, and lead to the creation of an estimated 1.6 million American jobs. Free trade only works when it is fair. China is not playing by the rules, and U.S. workers are harmed as a result.

China is, by any measure, keeping its currency artificially weak and engaging in trade practices that are harming the U.S. economy. By devaluing the yuan relative to the dollar, China is essentially subsidizing its exports and taxing U.S. imports at the expense of U.S. companies and workers.

It has been estimated that the yuan is undervalued relative to the dollar by as much as 40 percent, effectively subsidizing Chinese manufacturers and spurring our $273 billion trade deficit with China.

The Economic Policy Institute has estimated that the trade deficit with China has cost the U.S. economy 2.8 million jobs—1.9 million of these were manufacturing jobs—between 2001 and 2010. This resulted in approximately 12,000 jobs lost in Rhode Island.

A recent study by a team of three economists confirmed what many in my State already know: Jobs in Rhode Island are among the most vulnerable to cheap Chinese imports. And job losses are directly attributable to the U.S. trade deficit with China, which has been exacerbated by China's persistently undervalued currency.

Our trade deficit with China, which grew over 10 years from $83 billion to $273 billion, has had an outsized impact on my State because Chinese goods compete directly with many products that were produced and that will continue to be produced in Rhode Island. From textiles to toys, Rhode Island has been harmed as the artificially cheap yuan and exports from China have hollowed out industries, jobs, and communities.

If China and other Asian economies such as Singapore, Taiwan, Malaysia, and Hong Kong let their currency float freely against the dollar, U.S. GDP would increase by as much as $287.5 billion, that is a 1.9-percent increase, creating up to 2.25 million jobs in the United States.

So much of our efforts are focused today, and they should be, on growing our economy, measured not just by GDP but, more importantly, by jobs. This bill is one of those measures that is consistent with growing jobs in America and also respects the fact that in order for trade to work in the world, the trade has to be fair as well as free—that everybody has to follow the rules, and there is no exception. What we expect of ourselves, we should demand of others. That is at the heart of this bill.

Currently, private businesses in the United States are not able to compete on a level playing field with Chinese manufacturers and exporters who have an unfair advantage because the Chinese Government is manipulating its currency. Undervaluing the yuan isn't even in the best interest of the Chinese economy because it wastes resources and erodes wages of Chinese workers. The benefits of an undervalued yuan primarily flow to politically powerful Chinese companies dependent on trade, many of which are state owned.

According to China's own national economic census, Chinese state-owned enterprises control over 40 percent of the assets in their industrial sector. When countries stack the deck for companies and industries they control, it hurts businesses in the United States. This is not free trade or fair trade. Those who hold up China's economic growth and favorable tax conditions, as one Fortune 500 company CEO recently did, should realize this: After all, China has little reason to tax corporations when so many of the country's largest corporations are state owned.

We would not dare to suggest the form of ownership or government intervention in our economy China uses consistently and persistently as a major way to fund their government and fund their activities. So I think we have to recognize what is being posed in the guise of their version of free trade.

It is not fair trade, it is not free trade, and it doesn't even help the people of China. But it certainly helps the powerful forces of the Chinese Government and their favored business partners.

So we have a clear choice, and we have legislation that will be effective because it is consistent with what we do, which is follow the rules. We are simply asking every nation to follow the rules when it comes to currency.

The legislation before us today would level the playing field for businesses in Rhode Island and throughout the country. It requires the Department of Treasury to identify misaligned currencies using objective criteria and requires the administration to take action if countries fail to correct this misalignment.

It ensures that our trade laws can address currency undervaluation when it harms American workers and manufacturers by offsetting the benefit foreign producers and exporters receive from their country's currency manipulation.

The effects of unfair currency manipulation have caused far too much harm for far too long. It has resulted in distorted trade balances that have hurt U.S. workers and our Nation's economy as a whole. This legislation will strengthen the tools we have to make sure our businesses can compete on a fair and level playing field against foreign companies that benefit from undervalued currency.

Let me be clear that this is not a silver bullet for our economy, and there are many other steps we have to take. As we continue to press for solutions to revitalize our economy—with a front-and-center focus on saving and creating jobs—addressing unfair subsidies and trade practices must be part of this effort. So I would urge swift passage of the Currency Exchange Rate Oversight Reform Act.

With that, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUMENTHAL. Madam President, I rise as a proud cosponsor of the Currency Exchange Rate Oversight Reform Act, S. 1619. We are all aware, in this Chamber and around the country, that China has been manipulating its currency flagrantly and blatantly at the expense of our businesses in Connecticut and New York and around the country at the expense of American workers. This measure is necessary to protect American jobs and American workers.

Chinese currency manipulation is a job killer, very simply. At a time when so many are desperate for work and so many Americans and citizens of Connecticut are seeking good jobs, this

measure will help protect American workers and save American jobs, which is why I am proud to be a cosponsor of this measure.

I am proud to have begun this fight well before I became a Senator and well before I even thought of becoming a Senator, when I was attorney general of the State of Connecticut, because I heard from Connecticut businesses about the effects of Chinese currency manipulation in their efforts to sell their goods and services not only in China but around the world and even in America. Undervaluing Chinese currency puts American businesses at a disadvantage. It is a hidden export subsidy. It is a means of underpricing Chinese goods and services at the expense of ours. That affects not only our exports to China, but it affects our sales of airplanes in Europe, it affects the sales of all kinds of products—both high-tech and others—in this country, and it deprives the United States and its businesses of a level playing field.

The extent of that undervaluation is actually unknown, even as we speak. It is probably in the range of 25 percent. Economists tell us it is anywhere between 20 percent and 50 percent. The Chinese have permitted their currency to rise slowly, perhaps about 6 percent since June of 2010, but the extreme undervaluation before that period of time—in the years that led to June 2010—was relentless and tireless and successful. One of the great success stories of currency undervaluation is the Chinese doing so with theirs. We are at a point where, rightly, we have lost patience.

When I first asked the Treasury of the United States to label and conclude that China is a currency manipulator—months, even years ago—there was an opportunity to take the kind of action this measure would readily lead it to do, and it must do it now. This bill provides consequences for countries that fail to adopt appropriate policies to eliminate currency misalignment and includes tools to address the impact of currency misalignment on American manufacturers, including the use of countervailing duty law to impose tariffs on imports benefiting from government subsidies.

Very simply, it provides tools that the American Government can and should use when there are misalignments of currency that result from government policies, and it eliminates some of the barriers in our current law that now exist and restrict the American Government from taking action to protect American businesses. So it is a good measure, a commonsense step toward fairness and a level playing field for American businesses, and it means we would protect ourselves, as we have a right to do in an ongoing trade war. It is a war, not a shooting war—perhaps not explicit—but it is a trade war we should acknowledge and recognize as a fact of life for our businesses.

All this talk about currency and renminbi and the abstract and seemingly arcane discussion, in economic terms, may seem far away to many citizens of Connecticut, but it is not arcane or abstract to Steve Wilson at Crescent Manufacturing of Burlington—a company that makes precision fasteners, many of them used in defense of our country, sold in this country as well as abroad. Crescent Manufacturing has hard-working, skilled workers who compete with Chinese manufacturers whose production costs are dramatically lower because of the undervalued Chinese currency. Steve Wilson came to me and said, in effect: Give us a level playing field. That is what this bill does. He said it not only on his own behalf, as a manager and an owner, but on behalf of his workers because the number of those workers was reduced as a result of the lack of a level playing field.

Earlier this year, I worked with my colleague in the House of Representatives, Congressman CHRIS MURPHY, to conduct a survey of Connecticut manufacturers. We gathered data from 151 different companies all across the State of Connecticut, and the information they shared paints a dramatic picture of the business climate for companies in Connecticut and America today and the challenges they face as they seek to create jobs and stay competitive. Of 151 manufacturers that participated in our survey, 73 percent say they have Chinese competition—73 percent are competing with Chinese companies—and 57 percent—almost 60 percent of all those companies—said China's refusal to operate on a level playing field is harming their businesses. The majority of those companies that responded to that survey—manufacturers in Connecticut—say they want a level playing field or they are harmed by unfair practices in China's undervaluing their currency.

We all know, at this point, China deliberately manipulates its currency to boost its exports, and Connecticut manufacturers know it better than anyone. They have made it clear, if we are serious about keeping American manufacturing competitive, if we want to make it in America, if we want ''Made in America'' to mean what it should, and if we want our economy to grow, we need to stand up to countries that rig the system in their favor—unfairly in their favor.

The Alliance for American Manufacturing estimates our surging trade deficit with China—largely caused by Chinese currency manipulation—cost 2.8 million American jobs over the last decade, and that is 31,600 in Connecticut alone. These were jobs lost to our workers unfairly.

On March 25, 2011, the IMF declared that China's currency remains ''substantially undervalued.'' That is a serious charge from an international agency that is not biased toward one country or another, and it implies that China, in failing to address the undervaluing of their currency, is in direct violation of the General Agreement on Tariffs and Trade, which it has signed. Far from being contradictory to international law, this bill serves the interests and intent of the General Agreement on Tariffs and Trade. It serves article XXI of the GATT Uruguay Round and allows a member of the World Trade Organization and America to take action which it considers necessary for the protection of essential security interests.

Nothing is more essential to our security than jobs. Nothing is more critical than dealing with our trade deficit. Nothing is more important than stopping the undervaluation of the Chinese currency that consistently, unfairly, and unacceptably works against our exporters. We must fight these fundamentally unfair trade practices of China. American manufacturers deserve this level playing field, and this bill will help to assure that for them.

I will continue to fight to protect Connecticut manufacturers and businesses against any unfair trade practices anywhere in the world, and this bill stops China and any other country that would misalign its currency to the detriment of our security as a country and Connecticut's manufacturers and businesses as well as those in the country as a whole.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina.

Mrs. HAGAN. Madam President, I ask unanimous consent that the order for quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I come to the floor as one of a bipartisan group of my colleagues, proud to be a cosponsor of the Currency Exchange Rate Oversight Act, legislation that will send a clear and direct message to China that the time for playing games with American jobs is over.

As many of my colleagues have already explained on the floor, the effects of China's currency manipulation are damaging to our economy. It is estimated that China is undervaluing their yuan by more than 28 percent.

What does that mean? It means Chinese goods coming into the United States are unfairly cheap, while goods made in the United States are unfairly expensive when they are exported to China. In other words, it means U.S. goods are less competitive in China, and Chinese goods do have an unfair advantage in the United States. The results of this distorted arrangement are harrowing: reduced American wages, decreased GDP, and lost American jobs.

Since China entered the World Trade Organization in 2001, our trade deficit with them went from $84 billion in 2001 to $273 billion in 2010, an increase of

close to $200 billion. Madam President, $273 billion is larger than the U.S. trade deficit with the OPEC countries, the EU countries, Canada, Japan, and Mexico combined. This trade deficit has eliminated or displaced over 2.8 million American jobs over the last 10 years. That is an average of 310,000 jobs every year, and 70 percent of those jobs lost from our trade with China were in one sector—manufacturing.

Ask anyone in my home State, and they will say the same thing: North Carolina is a manufacturing State. From furniture to yarn, we are known throughout the country and throughout the world for the quality of the work we produce. But we are hurting. Between 2001 and 2010, North Carolina has lost over 107,000 jobs. Those are 107,000 jobs due to trade with China. Only five States in the entire country have suffered a greater net job loss from our country's trade with China. Across the country, the Nation has lost approximately 6 million manufacturing jobs and has seen 57,000 manufacturing plants across our country shut down.

Last week, I traveled throughout the foothill regions in North Carolina, in Burke, Rutherford, and Gaston Counties, three of our counties with some of the deepest manufacturing and textile roots in the State. The unemployment rate in these counties is close to 13 percent in Burke, close to 15 percent in Rutherford, and 11.3 percent in Gaston, even higher than the all-too-high 10.4 percent average across the State of North Carolina.

The No. 1, No. 2, and No. 3 concerns I heard at every stop I made last week were: jobs, jobs, jobs. There were people, many of them former manufacturing employees, who have lost their jobs. Many of them are continuing to work hard, fighting for small businesses that they now run and looking for survival. At the same time, so many people are attending every job fair they can make. They cannot afford for Washington to continue to allow China to get away with economic deceit and manipulation. They cannot afford for us to continue competing with China with one hand tied behind our back. What they need is for Washington to draw a hard line, to act now, and to get tough on China's currency manipulation.

The Currency Exchange Rate Oversight Act is straightforward. If the Treasury Department, using objective criteria, determines that the value of a currency is fundamentally misaligned, it will trigger a process to correct that unfair misalignment. In other words, it allows the United States to use every tool in our toolbox, including countervailing duties, to ensure that American workers and companies are competing on a level playing field.

Even though the legislation is simple, its positive effects would ripple through the economy.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mrs. HAGAN. I ask for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HAGAN. I thank you, Madam President.

A full revaluation of the yuan would mean 2.25 million jobs in the United States, reducing the U.S. unemployment rate by at least 1 full percentage point; an increase of the U.S. GDP of about $285 billion, a nearly 2-percent boost; and a reduction to our budget deficit by as much as $857 billion over 10 years. These are new jobs, more growth, and lower deficits. That is exactly the kind of bill our country needs right now.

It is going to require us to be tough. That is why America's workers and North Carolina workers need us to draw this line in the sand. They have always been told that if they work hard and play by the rules, they can get ahead. But now China is not playing by the rules, and it is undermining the ability of our workers and companies to succeed. We need to hold them accountable.

American and North Carolina workers are some of the best and most productive in the world. We know this. China knows this. If we compete on a level playing field, we can prosper together. I encourage all my colleagues to join in this bipartisan measure and vote for this bill. It is what America's workers and companies need, and it is what they deserve.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

CURRENCY EXCHANGE RATE OVERSIGHT REFORM ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 1619, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1619) to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

Pending:

Reid amendment No. 694, to change the enactment date.

Reid amendment No. 695 (to amendment No. 694), of a perfecting nature.

Reid motion to commit the bill to the Committee on Finance with instructions, Reid amendment No. 696, to change the enactment date.

Reid amendment No. 697 (to (the instructions) amendment No. 696) of the motion to commit), of a perfecting nature.

Reid amendment No. 698 (to amendment No. 697), of a perfecting nature.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Madam President, I rise to urge my colleagues to support the Currency Exchange Rate Oversight Reform Act, S. 1619, of which I am proud to be an original cosponsor. I wish to thank my colleague and friend, Mr. BROWN, the Senator from Ohio, for his leadership in bringing forward this very important legislation.

This legislation is about jobs. We all talk about ways we can increase job opportunity in America. Yes, we have to do a better job in our infrastructure and rebuilding America, our roads, our bridges, our schools, our energy infrastructure, our water infrastructure. That is a very important part of job growth in America. We have to help our small businesses.

The President is right to focus a program that will help small businesses because that is the job growth energy in America. But another area that is critically important for us on job growth is trade.

I represent the State of Maryland. The Port of Baltimore is an economic engine of our State, where we employ many people because of the Port of Baltimore. We want to see products that not only come into America, but we want to see products that leave America for the international marketplace. American manufacturers, producers, and farmers can outcompete their competition anywhere in the world as long as we have a level playing field. If we have a level playing field, we will not only keep jobs in America, we will create new jobs in America because we can outcompete the world. But we can't do it if we give away a huge advantage to other countries. Currency manipulation allows other countries to have unfair competitive advantage over American manufacturers, producers, and farmers. That is what this bill is aimed at: to give us a level playing field, to allow us to be able to compete fairly.

I also wish to acknowledge that this legislation is bipartisan. I think it is nonpartisan. This is legislation that makes sense for our country to keep jobs and create jobs. The legislation provides necessary mechanisms to help halt currency manipulation committed by any country. Currency manipulation is an unfair trade practice that reduces the price of imported goods while raising the price of American goods.

We are talking about giving a discount to our competitors. How do we expect an American manufacturer to be able to compete with an imported product if they get a discount on the price? That is what happens when they arbitrarily undervalue their currency as a foreign competitor, and that is what is happening to American manufacturers. Trying to end this practice is just common sense and will finally allow us to address our net exports, helping us reduce trade imbalances and, most importantly, create jobs in America.

Of course, China is one of the largest abusers of this type of manipulation. Despite a pledge from China in 2001 to adhere to open and fair trade, it continues to violate global trade rules which, in turn, erodes the U.S. manufacturing base and economy.

One of these market-distorting practices is China's effort to keep its currency severely undervalued. Unlike other currencies, the Chinese yuan does not fluctuate freely against the dollar but is artificially pegged in order to boost China's exports. Bringing the Chinese yuan to its equilibrium level at 28.5 appreciation is essential to creating much needed jobs in this country as well as a fair and global marketplace.

Let me repeat this. Because of what China does on pegging its currency to ours, not allowing it to freely fluctuate, Chinese products, in effect, get a 28.5-percent discount. If a company is manufacturing a product and trying to compete with an imported Chinese product, how can they do that if their competitor gets a 28.5-percent discount? That is what is happening in America today.

This legislation would allow those who are being harmed by this unfair trade practice to be able to bring a trade remedy against that unfairly imported product.

Inexpensive Chinese imports have caused a great deal of harm to the U.S. manufacturing sector. New studies show that 2.8 million American jobs, including 1.9 million manufacturing jobs, were lost or displaced over the past decade due to the growing U.S. trade deficit with China, fueled, in part, by currency manipulation.

So we have documented millions of jobs that we have lost and that have been lost because we have allowed, without challenge, China to give discounts to its manufacturers bringing products into America. Again, if it is a level playing field, American manufacturers and producers can compete. But they can't compete with such an unfair trading practice.

Many U.S. industries have been hard hit by unfair trade practices and currency manipulation, impeding their ability to compete here and abroad. The Alliance for American Manufacturing says that addressing this currency manipulation would lead to the creation of up to 2.25 million American jobs, an increase in the U.S. gross domestic product of $285.7 billion, a 1.9-percent—or $190 billion—reduction in our annual trade deficit; finally, an annual deficit of $71 billion, or between $600 to $800 billion over the next 10 years, if sustained.

No wonder this is bipartisan. No wonder this is nonpartisan. Here, by just standing up for American manufacturers and allowing them to be on a level playing field, we can not only increase jobs in America, we can not only reduce the trade imbalance, we can also reduce the budget imbalance. All that can be done if we can establish a level playing field to give our manufacturers, producers, and farmers the opportunity to challenge this unfair practice. That is what this legislation does.

With figures such as this, this bill is seemingly a noncost, bipartisan, long-term jobs measure. This would not only spur economic growth but economic stability that would ensure a better and more secure future for U.S. manufacturers, workers, and communities. This is to keep jobs here in America but also give us the opportunity to create more jobs, helping our economy grow. Simply put, this legislation will allow U.S. manufacturers the ability to use existing countervailing duty laws to obtain relief from injury caused by imported goods which benefit from currency manipulation as export subsidies while also providing the U.S. Treasury a new framework by which to identify misaligned currency.

In September 2010, the House adopted a similar measure with overwhelming bipartisan support. Passage here in the Senate will lead to real consequences for countries that abuse currency manipulation, and empower the United States to create a more level economic playing field.

We can get this done. This is something that can get done. The House has already passed it. We have bipartisan support in the Senate. We have the votes to pass it. I urge my colleagues, let us get this done. Don't try to put other amendments on it. All they are going to do is make it difficult for us to achieve something great for our economy and great for American production. Let's get this matter up for a vote and not try to do all these unrelated amendments.

I applaud my colleague Senator BROWN from Ohio. He is on the floor. I mentioned earlier I thank him for his leadership for not only bringing this bill together but keeping the bipartisan group together so we can show we can get this done. Now we need the Members of the Senate to say it is time for us to vote on this bill. Let's get it done. Let's send it to the President for the President to sign it. Let's do something that will not only create jobs but help us deal with our trade imbalance and deal with our budget imbalance.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. BROWN of Ohio. Madam President, I appreciate the words of Senator CARDIN. He sits on the Finance Committee and was a long-time member of the House Ways and Means Committee and understands these issues as well or better than almost any Member of the Senate. I appreciate his work on that, and his leadership. He said a couple of things I want to emphasize.

He said, first of all, this is the biggest bipartisan jobs bill we have considered this year, 79 votes out of 98 when it advanced to being considered on the Senate floor. He has talked about this is a discount we give to our competitors. Imagine two gas stations in Schenectady, NY, or in Frederick, MD, or in Akron, OH. One gets its gasoline and pays 25 or 30 percent less for its gasoline than does the station across the street. The station that does not get the 25- or 30-or 35-percent subsidy goes out of business almost in a matter of days. That is the kind of unfair competition we face because we have given this discount to our competitors.

The second is Senator CARDIN mentioned what this does with our budget deficit. It is pretty clear this is not a jobs bill that costs a lot of money. That is why we got 79 votes. That is why so many Republicans joined all but three Democrats in moving this bill forward. We save money. If a thousand more people go to work in Cleveland, OH, or in Buffalo, NY, or in Baltimore, MD, that is a thousand people who are not receiving unemployment benefits, who do not have to apply for food stamps, a thousand people who are paying taxes instead of being consumers of public services.

When you look at the lost jobs because of this trade policy, because China has gamed the currency system for so many years and administrations of both parties have failed to enforce laws or use the tools they have—in addition to this extra tool, this very compelling, very effective tool we are giving them—it clearly has meant that we have been behind the eight ball in that way and we have lost the opportunity when we have not enforced these trade laws.

When you look at the number of jobs lost and the number of jobs estimated to be gained, it is in the millions over time. This is exactly what the Senate should be doing this week, moving this bill to the House. There are 250 cosponsors in the House, 60 Republicans, roughly, 190 Democrats, roughly. Republican leadership has some difficulty with this bill, apparently. In the Senate, that is not an issue. In the House, among rank-and-file Members there is huge support.

As we pass this bill later this week, next week at the latest, we hope to move it to the House where it can be passed quickly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BLUMENTHAL). Without objection, it is so ordered.

Mr. BROWN of Ohio. Mr. President, as the manager of this bill and the sponsor of S. 1619, I am, first of all, pleased with the bipartisan support we have seen. We have five Republican and five Democratic sponsors as the lead 10 sponsors and another dozen or so sponsors in addition to that.

The support from Senators GRAHAM and SESSIONS and BURR—all three southern Republicans—and Senators SNOWE and COLLINS—northern Republicans—joining with the first five Democratic sponsors, Senators SCHUMER, STABENOW, CASEY, HAGAN, and myself, have set the bipartisan tone here. That is why we had 79 votes in the first go-round on the bill.

But what concerns me most, and what I hear from people in the House of Representatives—and I have heard it from opponents in the Senate, and I have heard it from large multinational corporations that have outsourced so many jobs to China—is this is going to start a trade war with China. That seems to be the thrust of their comments: This is going to start a trade war.

First of all, I don't know where they are that they think that because most of America thinks we are in a trade war right now with China and, frankly, China is doing pretty darn well. It is not going that well for American workers, and it is not going that well for American manufacturers.

Go to downstate Illinois or Albuquerque or Akron and look at the number of plant closings. In many cases, companies—large companies especially, because smaller companies can't do this the same way—will shut down their production in the United States—they will shut down production in Youngstown or Dayton—and they will move to Wuhan or Xian, China, start production there, and then sell their products back to the United States. I don't know that that has ever been done in world history.

So the trade war was started by the Chinese, waged by the Chinese, and that is why we have lost 100,000 manufacturing jobs in my State. That is why we have seen the trade deficit triple in the last 10 years with China. That is why we go to the store and darned near everything we pick up, including sometimes American flags and things you can buy at the Capitol Visitor Center, are made in China. It is clear China has cheated. They cheat on currency. They just cheat, pure and simple. It is long overdue that we do something about it.

They were admitted to the World Trade Organization because of a very bad vote 10 years ago that too many of my colleagues cast in support of China doing that for PNTR. The Presiding Officer, as I did, voted against it. The Presiding Officer from New Mexico was prescient enough to see that. But they said, if you let China into the WTO, they are then going to be a trading partner and they will play fair. Well, they never have accepted, frankly, the basic governing rules from the World Trade Organization. They don't follow the rule of law. So when we say, no, we are not going to let them do that, we are accused of a trade war. Excuse me, I don't understand that.

It is a little bit like two sort of real-life examples. If somebody is eating your lunch and you take their dessert away, they are complaining? Of course they are going to complain. They want their dessert. But they can't say you are starting a war when they are already eating your lunch.

Or if you have two gas stations, you go to Springfield, OH, and there is a gas station on one side of the street and another gas station on the other side of the street, the one gets a 30-percent discount on its oil for its gasoline from Shell, and the one from Exxon on the other side of the street doesn't get a subsidy on its oil or its gasoline, of course, the one is going to put the other out of business.

That is what we do to China. We give them a 20- to 30-percent discount because they cheat on currency. And you call that a trade war because we are saying, no, we are taking that discount away? It is China that has played this protectionist game.

Mr. Fred Bergsten, who is the director of the Institute for National Economics, the Peterson Institute, hardly a flaming liberal—free fair trade group; it is a conservative, generally free trade organization—said that China's currency policy is the most protectionist policy of any major country in the world since World War II. And for us to say, Let's play fair, we are starting a trade war? It doesn't make sense.

Let's debate the real issues. Let's not call names. Let's not say so-and-so is starting a trade war, so-and-so is protectionist, so-and-so is doing class warfare. We want more exports, we want more trade. But, remember, currency undervaluation makes our exports more expensive when we sell them into China and puts our manufacturers at a competitive disadvantage.

I think this legislation makes so much sense. That is why it got 79 votes. That is why it has such a high number of bipartisan cosponsors. That is why people in this country understand that passing this legislation to level the playing field, to give our manufacturers an opportunity, makes so much sense.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Delaware.

(The remarks of Mr. CARPER are printed in today's RECORD under ''Morning Business.'')

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The Senator from Illinois is recognized.

Mr. KIRK. Mr. President, I would like to take this time to talk on the pending legislation with regard to China. In these times of deficit and debt, I think we should not launch a trade war with China. We are here because we borrowed too much. We have a spending habit that has weakened our economy. That spending habit was aided by China, but we can only blame ourselves for much of the economic weakness the United States now faces.

A trade war with China would put in jeopardy a number of jobs from my State of Illinois. Illinois exports to China in 2000 totaled about $533 million. Roughly 2,500 people received their employment by virtue of sales to China 10 years ago. Today, exports to China total about $3.18 billion. The number of people employed by sales to China has grown from around 2,500 jobs to 15,000. In a State with a higher than average unemployment, where unemployment is growing faster than almost any other region of the country, I do not think we should put these jobs at risk with an unnecessary trade war with China.

When we look at Illinois very directly, we see a major Peoria employer like Caterpillar, whose sales to China last year totaled about $3.2 billion roughly related to about 10,000 jobs in the direct and contractor and subcontractor area for sales to China. With Motorola, based in Schaumburg, sales totaled about $2 billion directly to China, impacting about 7,000 jobs. For Boeing, headquartered in Illinois, sales to China totaled about $3 billion—around 10,000 jobs directly related to sales into the Chinese market.

This bill would seek to blame all of our economic ills on a power overseas despite so much of the weaknesses related to our own overregulation, a flawed health care bill, and too many taxes that are causing small employers—the engine of employment in our country—to hold back on hiring an American full time. I believe this bill places the blame in the wrong place and diverts the needed attention of the Senate from where it should be placed in fixing our economy.

For 10 years, I served in the House of Representatives. In 2005, during that rendition of anti-Chinese legislation, I decided to form a bipartisan caucus, the China Working Group, with Democratic Representative RICK LARSEN of Washington. We decided to bring together the three warring China tribes of the House of Representatives. That would be the panda huggers, a very small number of Members; the dragon slayers, a very large number of Members, especially on my side; and the panda slayers, who are growing in number, who dislike almost anything related to China. We welcomed everyone to discuss China because of its growing role in the world because, according to one of our leading banks, China could be the largest economy on Earth, replacing a status that the United States had until our policy was misplaced and that we have had since around the 1870s.

Should we trigger a trade war with the coming largest economy on Earth? I would say we should not. In the 21st century, China can be the source of the greatest ill or greatest good for the United States, depending on how we manage this relationship.

One of the key audiences I listened to, as chairman of the China Working Group, with Congressman LARSEN, was Americans who actually sold American-manufactured goods in China. Oftentimes, we would ask: Is your No. 1 concern with regard to selling more

goods in China related to the currency? Overwhelmingly, they would say it was not their No. 1 concern. Their No. 1 concern instead was the comprehensive theft of intellectual property by Chinese entities from U.S. patent holders. This is most clearly evidenced in the Hollywood DVD industry but also elsewhere. When you look at this issue in a serious way, you find currency is not the No. 1 issue, although I admit it polls rather well. But our job is to actually add employment to the United States, and one of the key audiences we should listen to is people who sell U.S. goods in China.

If you delve into the intellectual property issue and the comprehensive theft of intellectual property, you will find that China has some fairly reputable intellectual property laws, but they are not enforced. A common thing you hear about China is a phrase that is often used in the Chinese language. It goes something like this: The mountains are very high and the Emperor is far away, meaning despite laws that may be on the books in Beijing, they are not enforced in the provinces where so much theft of intellectual property happens.

I would argue that a bipartisan agenda that would add to jobs and strengthen our relation with China would be a greater enforcement of intellectual property laws between the United States and China. There, we would actually have allies, such as the man who is most likely to become President of China, Xi Jinping, who wants China to be a strong innovator, and he knows China cannot be an innovative nation if it represents a comprehensive theft of intellectual property worldwide. He knows China's intellectual property law has to be actually enforced in the provinces if they are to have technological development. His interests are actually in line with the interests of U.S. exporters, and here we could have a very productive dialog which actually stops the theft of intellectual property in China and enhances the export potential of Americans.

I worry that we are diverting the time of the Senate from the big game, which is the joint committee and its work on reducing the deficit. I have heard that the President of the United States has called Senators, asking that this bill not come up. When you look at the prospects for this legislation in the House, you will learn the prospects for this legislation are dim at best.

What should we do rather than trigger a trade war with a country that is about to be the largest economy on Earth? What should we do rather than trigger job losses at Caterpillar and Motorola and Boeing, at Schaumburg and Peoria and in Chicagoland? I think instead we should focus the Senate legislation on passing the Gang of 6 legislation that would reduce the net borrowing of the United States by $4 trillion. We should adopt the Collins moratorium on job-killing regulations costing over $100 million to reassure the engine of our job economy—small businesses—that they should go ahead and begin to hire Americans again. We should do the big idea that is in the bipartisan deficit commission report of tax reform, wiping out all special interest tax provisions and then using the money, A, to lower the deficit and, B, to lower the top rate from 39 percent to 29 percent. We should also rapidly pass, as has now been proposed, the Panama and Colombia and South Korea Free Trade Agreements that open new markets for the United States. Particularly in the case of Colombia, the markets would be opened for Illinois corn growers. For South Korea, I think it would end the beef impasse we have had and also open high-technology aviation markets for the United States.

When I talk about the Gang of 6, when I talk about the Collins amendment, when I talk about tax reform, when I talk about free-trade agreements—these are all positive agreements on which large numbers of Democrats and Republicans in the Senate can agree and which would pass the House of Representatives, rather than the underlying legislation which the President of the United States has indicated he would rather not come up, which has a dismal future in the House of Representatives, and which directly puts at risk any job subject to Chinese retaliation from this legislation.

I also note that when you read the basic text of this legislation, it is not serious because it has a big waiver in it. Even if it made it to the President's desk, given his calls to legislators on this issue, there is no doubt in my mind that the President would execute the waivers in this legislation.

So what are we doing? We are probably advancing a well and poll-tested piece of legislation in the Senate. I imagine some people would want to take advantage of that dialog. But have we made it into enacted law? Overwhelmingly, likely no. Are we actually going to take any legitimate action? Even by the terms of the legislation and its waiver, it would be exercised by the chief executive officer of the United States, and therefore no action would be taken. But we would open the very people whom we want to crawl this economy out of recession—U.S. exporters—to vulnerabilities for retaliation by the Chinese. Sometimes you have to think about the basic principle of medicine when you look at legislation; that is, first, do no harm.

As Europe crumbles in a wave of outdated and out-of-gas socialism, threatening our economy, as we teeter on the edge of a new recession because of too many regulations—10 new taxes in the health care bill—and an uncertain political future for deficit reduction under the bipartisan joint committee, ladling onto that—and our markets and the future of our retirement savings—a trade war with the second largest economy on Earth would be unwise at best and put the jobs of many Americans at risk at worst.

That is why I oppose this legislation. That is why, regardless of the action in the Senate, I do not think it is going anywhere in the House. Certainly, given the action and calls of the President to certain legislators, it doesn't appear to have any real future in enforcement if it ever even did make its way to the White House.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN of Ohio. Mr. President, I appreciate the words of my freshman colleague, Senator KIRK. I think he recognizes from his days as a foreign policy expert, when he worked for the government on foreign policy, that a Presidential waiver is essential. My guess is he would have attacked this bill if it had not had a waiver for the President, saying there is no way the President could possibly look out for national security at the same time as he executes this legislation.

So that clearly is a nonstarter around here. Everybody recognizes that not having a Presidential waiver—because there is a case sometimes when the President does need the authority when it comes to national security, and I am concerned about national security in our trade with China. I have seen China, over a period of years—with our acquiescence as a nation, frankly—I have seen China build more and more national security infrastructure and in some cases seeing our national security infrastructure weakened because we don't do as well with steel and chemicals and all the things that go into our national security apparatus. So I am, in fact, concerned about that.

I am also concerned; I hear two things, two main arguments. I have sat on the Senate floor as the manager of this bill for several hours over the last couple or 3 days and listened to this debate. It seems the Republicans' opposition—most Republicans voted for this, so I don't want to say it is overwhelming, but the people who have spoken against it have mostly been conservative Republicans who seem to pay a lot of attention to Club for Growth and those most conservative parts of their party. But I have heard two things. I have heard ''trade war, trade war, trade war,'' and that is interesting because that echoes the words of the People's Bank of China. It echoes the words of the Ministry of Commerce of the People's Republic of China. It echoes the words of the Foreign Affairs Ministry of the Communist Party of the People's Republic of China. It mimics their words when I hear them say ''trade war, trade war, trade war.''

But what also concerns me is I listen to this debate and hear some of the opponents of this bill kind of playing the ''blame America first'' game. They seem to say this is not China doing this to us, this is us doing this to us—or perhaps we doing this to us, to be more grammatically correct. I am aghast

that China games its currency system, that China undercuts our manufacturing because they ''cheat,'' and that there are some Members of the Senate who stood up right here and took the oath of office to the United States of America who are blaming America first for what China is doing to us.

I can see blaming our government for not enforcing trade rules better. President Obama, while he has not come out yet for this bill, has enforced trade laws better than any President since Ronald Reagan, who actually probably set the gold standard for trade enforcement. We haven't seen it since President Obama. I am a bit intrigued that my colleagues are blaming the United States for this. It is a little like if there are gas stations on Detroit Avenue in Cleveland, in Westlake or in Rocky River or in Cleveland, one on each side of the road and one gets the gas 25 percent cheaper than the other from the supplier—from ExxonMobil or Shell—they can put the other one out of business. Do we blame the one that doesn't get the discount for going out of business? Is that what we are doing? To blame America first on this is blaming the United States when China cheats, and I don't buy that. I don't think there is any credence in that argument.

I appreciate Senator KIRK's admonition, and I appreciate his celebration, if you will, of Caterpillar and many of these companies that are exporting tens of millions and, in a few cases, billions of dollars to China. More power to them. I want them to do more exports.

Look at this chart. Look what happened. Exports to China have gone up. The year 2000 was when this Senate and the House—where the Presiding Officer from New Mexico and I sat—voted no on this when PNTR, permanent normal trade relations, with China was passed. Look what happened since then. Exports to China went up. I am glad U.S. exports with companies all over our States—Senator KIRK mentioned a handful in Illinois—went up. Look what happened to imports. Look at the number of imports that went up. Do we know why? Part of that reason is China has cheated on currency. When we did the first vote on Monday night—and all of us predicted what the Chinese Government is going to do. They are going to squawk and say: trade war, trade war, trade war. I didn't know a bunch of American politicians would mimic what they said and say: trade war, trade war, trade war.

Here is what happened—listen to this—an article in the South China Morning Post on October 5, the day after that vote: In a rare move, the central bank, the People's Bank of China, the China Ministry of Commerce, the People's Republic of China's Foreign Affairs Ministry took simultaneous, coordinated action yesterday to express Beijing's strong opposition to the bill, aimed at forcing Beijing to let its currency float. They accused Washington of politicizing global currency issues.

Where I come from, they say when you throw a rock at a pack of dogs, the one that yelps is the one you hit. Of course, the Chinese are going to yelp because they don't like this. We are saying to them they have to follow the rules—no more breaking the rules. They cannot cheat the way they have cheated.

Of course, in the Communist Party, in the People's Republic of China, the Ministry of Commerce is going to squawk. Of course, the People's Bank of China is going to squawk. These are all arms of the Chinese Communist Party and arms of the Chinese Government. Of course, they are not happy when we do this. It does not mean it is not the right thing to do.

It bothers me when I see American politicians mimic what the Chinese Communist Party officials are saying, their government is saying: trade war, trade war, trade war. This is not a trade war. Fred Bergsten, head of the Peterson Institute for International Economics, is a trade official—I believe an economist. He is very smart. The Peterson Institute for International Economics is a generally conservative operation that generally plays it straight on trade. If anything, they are a bit too free trade, in my mind, instead of fair trade. Fred Bergsten said:

I regard China's current policy as the most protectionist measure taken by any major country since World War II. Its currency manipulation has been undervalued by 20 to 30 percent.

Here is the key point:

That is equivalent to a 20 to 30 percent subsidy on all exports and a tariff on all imports by the largest trading country in the world.

The 30-percent penalty is why our exports don't go up very much. The 25-percent bonus for the Chinese is why our imports go up so much. We cannot sell into China's market very well because they are cheating. That is why our exports don't grow as much, and they can sell so much into our markets because we are giving that 25 or 30 percent bonus.

This isn't a trade war—well, it is a trade war. The Chinese declared trade war on us in 2000 and look how they benefited from this trade war, and we are just going to stand here and allow them to do that? It doesn't work. That is why this legislation is so important.

Last point. There are an awful lot of American businesses that think we need to fix this. I hear my friend from Illinois and other Senators come to the floor who oppose this bill. There are only 19 who voted no out of the 98 who voted. I have heard them come to this floor and talk about exports, that their businesses have exported. Some have and more power to them. I hope they can export more and create more jobs in the United States. We need to understand that those are mostly large companies that have in some cases the wherewithal to outsource jobs to China and in other cases to be able to export large numbers.

There was a historic split in the National Association of Manufacturers, the largest trade organization for American manufacturers, over the last several years on what to do about this.

Many of the small companies such as Automation Tool & Die in Brunswick, OH, and a company in Dayton that does printing, where I just spoke to Jeff Cottrell, who owns that company and has a number of employees in Dayton, OH—those companies understand currency undercuts them. The Bennett brothers at this company in Brunswick told me in Cleveland a couple days ago why they support this bill. They said they had a contract they thought was a million-dollar contract, and they began to change their assembly line, their production facilities, their production operation capacity. At the last minute, a Chinese company came in and underpriced them by 20 percent and got the contract. Why did they underprice them 20 percent? Because we gave them a 25-percent bonus to do it. We have disarmed this trade war that we are not beginning. We are playing defense and we are fighting back.

I think the American public overwhelmingly says fight back when they play the games, fight back when they game the system. Don't blame America on this one. Stand for American interest. It is good for our exporters, big companies and small companies alike. It is good for American manufacturing. We know what that means to workers in Chillicothe, Zanesville, and Toledo. We know what it means for our local vitality and prosperity. It means so much as we begin to restore American manufacturing.

I ask for support for S. 1619.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN). Without objection, it is so ordered.

Mr. PORTMAN. Mr. President, exports are absolutely critical to our economic growth in this country. In fact, there are nearly 10 million good-paying American jobs that are related to exports. The President, Members of Congress, and so on talk about that a lot. But I am disappointed we are not moving forward with an aggressive agenda to actually open new markets for our exports.

I am encouraged that the administration, finally, this week, sent forward three trade agreements that do just that—the Korea, Colombia, and Panama trade agreements. These open markets to U.S. workers and farmers, those who provide services, so it is going to be good for jobs in this country. The President's own metrics indicate these three agreements alone will create 250,000 new jobs. We need them badly.

I also want to congratulate Chairman DAVE CAMP and the House Ways and

Means Committee for reporting out all three of these agreements this afternoon. My understanding is, each agreement received a strong bipartisan vote, and I am hopeful those agreements will now come to the Senate for us to be able to move forward—again, opening these critical markets that will create over 200,000 jobs for Americans.

I will tell you, these three agreements were all negotiated and signed over 4 years ago. During that interim period, the United States has been absent from the kind of trade-opening negotiations we ought to be involved with. This President—for the first time since Franklin Delano Roosevelt—has not asked, as his predecessors did, for trade promotion authority to be able to negotiate new agreements. So we are losing market share.

Every day there are American workers who do not have the same opportunities to compete in foreign markets as those workers from other countries do because the United States is not actively engaged in opening markets. We need to do that.

Right now, we have no ongoing bilateral trade agreements. We have one multilateral agreement, which I support moving forward on—the Trans-Pacific Partnership—but, frankly, there are over 100 bilateral negotiations going on right now, and America is not a partner in any of them. We need to get engaged because it is so critical to growing our economy.

During the debate we have had over the last couple of weeks on trade adjustment assistance, where I was supportive of a version of trade adjustment assistance to get the trade agreements moving, we had a discussion about giving the President trade promotion authority. We were not able to get support from the administration for that. This is critical to move forward. It is because growing goods and services is absolutely critical to our economic health.

Over 95 percent of consumers in the world, of course, live outside of our borders. We want to access those consumers, we want to sell more to them. Export growth and a healthy trading system depends on these export-opening agreements, but it also depends on having a healthy international trading system where all the players play by the international rules. So the export-expanding agreements are good. We need to do more of that. We should be much more engaged, but we also have to insist that everybody plays by the same rules.

Today the Senate is debating legislation that has to do with one of those rules, and that is the issue of currency, and specifically the issue of China and their currency manipulation. China is a country, as you know, where we have a persistent and unprecedented trade deficit. It is also a very important trading partner for us. So it is critical we keep that strong trade relationship but do it on a basis that is fair for us and for China.

I consistently hear about this China currency issue when I am back in Ohio. I hear about it a lot from manufacturers and the workers at those plants who tell me it is just not fair that in the global marketplace Ohio products are not able to compete on a level playing field.

Just this year I have worked with a lot of Ohio companies that are facing various problems, including Ohio candle makers, steel manufacturers, diamond saw blade producers, rare earth magnet manufacturers, and others who are concerned about getting a fair shake in the global economy and want to be sure they are not competing with unfair Chinese competition.

Again, I believe in the benefits of trade. I know they work. I believe in reducing barriers, but I also believe opening export markets and vigorous enforcement of trade laws go hand in hand. They both should be something that the United States pursues.

China's undervalued currency does provide, in my view, an export subsidy, making Chinese exports to the United States less expensive in the global marketplace and making our exports to China relatively more expensive.

I have long had concerns about this. Actually, when I was before the Senate Finance Committee in my confirmation hearings to be U.S. Trade Representative years ago I stated that I believed China currency does affect trade, and I stated that China should revalue their currency. I still believe that. I believe this administration should label China a currency manipulator because I think it is clear there continues to be manipulation.

The legislation before us today is not the perfect answer, and I do hope the Senate will permit my colleague, Senator HATCH, to offer his amendment, which I think is a constructive amendment to improve parts of the legislation. But I do support the bill with the expectation that it is compliant with our international trade obligations and that it gives the administration the flexibility it needs to implement this bill in a smart and sensible way.

However, I would also say this bill has been described on this floor many times over the last couple days as I have listened to the debate as doing more than it does. We should not overstate it. It does not address some other issues that, frankly, I think would make a bigger difference in our important trade relationship with China.

One of these issues would be indigenous innovation, which I believe to be an unfair practice that China is currently practicing. Also, there is the issue of violations of intellectual property rights. It is not so much that the laws are not in place; it is that many times there is not adequate enforcement of the intellectual property laws that are in place. Of course, there is the issue of anticompetitive practices and subsidies that continue with regard to state-owned enterprises. I am also working with Senator WYDEN and others—a bipartisan group of Senators—on combatting transshipment and customs duty evasion problems, which involve companies from various countries but include China.

So we have a growing list of complex issues facing our relationship with China. I believe they should all be addressed together. I hope the next round of diplomatic and commercial negotiations with China will bring about some of that discussion and bring about some solutions, not just more broken promises.

I understand the JCCT, called the Joint Commission on Commerce and Trade, between the United States and China will meet in November—next month—and that the next round of the U.S.-China Strategic and Economic Dialogue will take place next year. I urge the administration to use these negotiations as leverage to get some of these real results that are so necessary.

We should also look at multilateral approaches, including the World Trade Organization, and certainly the International Monetary Fund. I will tell you, as someone who has sat across the table in negotiations with tough Chinese negotiators, endless dialog is not the answer. Sometimes that is what occurs. We are not just looking for more talk. I think it is important we get serious—both U.S. leaders and Chinese leaders—about some of our lingering trade problems that we have had through the years so we can have a healthy trade relationship based on mutual respect.

Each country is important to the other. We cannot overlook the fact that China continues to be a very vital U.S. export market, despite the issues I talked about. Right now, China is the third largest export market for Ohio goods, for instance. The State I represent sends over $2.2 billion a year in exports to China. With 25 percent of Ohio manufacturing jobs dependent upon exports, this is incredibly important to us.

One out of every three acres of land in Ohio is planted for export, so agricultural exports are also important. There is also an important issue with China that relates to investment both ways: our investment in China and Chinese investment here. Let me read to you from an editorial that was in the Cleveland Plain Dealer last Thursday. Its title is: ''Chinese investors are welcome here.''

> If Greater Cleveland is going to prosper in the 21st century, it has to build strong two-way connections with the rest of the world. The region has to sell more of its services and products abroad and welcome talent and capital from overseas. That's the path to jobs and wealth.

The editorial goes on to talk about the collaboration between Chinese companies and investors looking to build relationships with Cleveland's world-renowned medical device industry.

Just last week, the mayor of Toledo, OH, Mike Bell, returned from a 12-day

trade mission to Asia in order to boost job creation in northwest Ohio. Since Mayor Bell's trip, plans have been announced for increased commercial ties between Chinese and Ohio job creators and companies, including launching a new international business center in downtown Toledo.

These are just a couple of examples in my State of the importance of this relationship and why it needs to be taken so seriously. This relationship is vital to the future not just of our two countries but, in my view, to the global economy. So we need to be sure, again, it is a healthy relationship. It needs to be fair. It needs to be on a basis where, again, there is a level playing field on both sides. So it is time for our trading partners to play by the rules so that, indeed, we can have a fair trading system.

Trade is key to growth. But, again, it is only one part of a broader problem that is holding back our economy today, holding back Ohio manufacturers from hiring and innovating. Another big issue that has come to the attention of this Senate time and time again is the incredible regulatory burden that is placed on Ohio's job creators. So in order to be successful in trade, we need to have more open markets. We talked about that: a level playing field. But, also, we need to be more competitive at home or else we are not going to be able to create the jobs in this century that we need to keep our economy moving forward.

At a time when we have over 9 percent unemployment, it is critical we be sure our economy is more competitive. This regulatory burden is one issue that I think all sides can agree ought to be addressed.

I am joined today by the junior Senator from Nevada, my friend and colleague, to offer a couple of amendments designed to give American employers some relief from the regulatory mandates that continue to hold back our economy and hinder job creation.

There is no official counting of this total regulatory burden on our economy, and estimates do vary. But one study that is often cited is from the Obama administration's own Small Business Administration where they report the regulatory costs exceed $1.75 trillion annually. That is, of course, even more than is collected by the IRS in income taxes every year. So it is a huge burden. We can talk about what the exact number is, but the fact is this is something that is forcing Ohio companies and other companies around our country to have higher costs of creating a job.

The Office of Management and Budget estimates that the annual cost of a narrow set of rules—these are just what are called the major rules that are reviewed by OMB over one 10-year period—registers at $43 billion to $55 billion per year.

I have been encouraged by what the current administration has recently been saying about regulations. I have been less encouraged about what they have done. The new regulatory costs on the private sector are real, and they are mounting.

Compared to historic trends, we have seen a sharp uptick over the last 2 years in these new so-called major or economically significant rules that have an economic impact of over $100 million on the economy. They also have an impact, of course, on consumer prices and American competitiveness.

George Washington University Regulatory Studies recently told us that this administration has been regulating at an average of 84 new major rules per year, which, by way of comparison, is about a 35-percent increase from the last administration and about a 50-percent increase from the Clinton administration.

These figures do include the independent agencies which must be included in the calculations. So there has been an uptick in regulations, and continues to be, again, despite much of the rhetoric to the contrary. One commonsense step we can take to address this issue is to improve and strengthen what is called the Unfunded Mandates Reform Act of 1995, UMRA.

I worked on this along with some of my colleagues who are now in the Senate back when I was in the House. It was a bipartisan effort that basically said Federal regulators ought to know the costs of what they are imposing. We also ought to know what the benefits are, and we ought to know if there are less costly alternatives.

The two amendments I am offering today are drawn from a bill that I introduced back in June called the Unfunded Mandates Accountability Act. It is an effort that now has over 20 cosponsors. Again, it seems to me it is a commonsense effort that should be bipartisan.

The first amendment would strengthen the analysis that is required in some very important ways. First, it requires agencies to specifically assess the potential effect of new regulations on job creation, which is not currently a requirement, and in this economy it must be. Also, to consider market-based and nongovernmental alternatives to regulation, again, something we need to look at.

It also broadens the scope of UMRA to require a cost-benefit analysis of rules that impose direct or indirect economic costs of $100 million or more. It requires agencies to adopt the least costly and least burdensome alternative to achieve the policy goal that has been set out. So, currently, agencies have to consider that, but they do not have to follow the least costly alternative. We simply cannot afford that, again, because of the tough economic times we have.

The second amendment extends those same requirements to the independent agencies. This is incredibly important, and these are agencies such as the Commodity Futures Trading Commission, the newly formed Consumer Financial Protection Bureau, agencies that are very important on the regulatory side and are currently exempt from these cost-benefit rules that affect all other agencies.

On this issue I was very pleased to see that President Obama issued an Executive order in July which was specifically related to independent agencies. That order and the accompanying Presidential memorandum called on independent agencies to participate in a look-back, but also, very importantly, called on independent agencies to evaluate the costs and benefits of new regulation just as, again, all executive agencies were already required to do.

It is a step in the right direction, but the problem is that the President's order is entirely nonbinding because a President cannot require independent agencies to do that. Congress can. We can do it by statute. And independent agencies do not answer to the President. So since this order was issued in July—by the way, we have not seen a rush by independent agencies to pledge to comply with these principles. Again, they are not required to, so this amendment, this second amendment, would effectively write the President's new request into law so it can be effective.

Independent agencies would be required under UMRA to evaluate regulatory costs, benefits, and less costly alternatives before issuing any rule that would impose a cost of $100 million on the private sector or on State, local, and tribal governments. The fact is, independent agencies are not doing this on their own. According to a 2011 OMB report, not one of the 17 major rules issued by independent agencies in 2010 included an assessment of both cost and benefit. Not one.

Closing this independent agency loophole is a reform we should be able to agree with on both sides of the aisle. Certainly, the President should agree with it since it is part of his Executive order and memorandum, and this is the right vehicle to do it.

This a jobs issue again and a commonsense approach. No major regulation, whatever its source, should be imposed on American employers on State and local governments without a serious consideration of the costs, the benefits, and the availability of less burdensome alternatives. These amendments move us further to that goal.

I would urge my colleagues on both sides of the aisle to support them.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. HELLER. Mr. President, I rise today to speak in favor of the two amendments filed by my good friend from Ohio, Senator PORTMAN, my amendment No. 674, and above all the issue of the day, jobs.

Americans have had to endure great hardship over the past few years. This recession has robbed millions of people of their jobs, their homes, their businesses, and their sense of security. No

State has been hit harder than the State of Nevada. My State has the unfortunate distinction of leading the Nation in unemployment, foreclosures, and bankruptcies. And there is no question that the status quo of dysfunctional government must end.

People from all over the country are struggling just to get by and are desperate for real solutions. The underlying legislation takes the wrong approach to job creation and can be very detrimental to economic growth in our country. Inciting a trade war with China will not create jobs.

In my home State of Nevada, a trade war would hurt tourism. It would stifle growth in renewable energy development and increase costs to consumers at a time when they can least afford it.

Working to sell American goods in foreign markets is what we should be fighting for. Instead, it seems job creation and economic growth have taken a back seat to political posturing and grandstanding in Washington. It is clear that the approach this administration and its supporters have taken for economic recovery has failed miserably. Out-of-control spending, a health care law no one can afford, and seemingly endless streams of regulation are crippling employers, stifling economic growth, and killing jobs. Instead of fighting for measures that create and protect jobs, this administration has created more government that continues to impede economic growth at every turn.

This government continues to tax too much, spend too much, and borrow too much. The American public and businesses alike are waiting on a plan that can plant the seeds of economic growth and bolster job creation. Instead, all they get from this government when it comes to job creation is a big wet blanket.

They need Washington to provide relief from new burdensome and overly intrusive regulations. Congress must help job creators by ensuring every regulation is vetted with a full understanding of the impact it will have on businesses across the country.

So I am pleased to join with Senator PORTMAN in this fight to rein in excessive government regulation and to implement a market-benefit analysis for all agencies, both executive and independent, so the American public will know the true cost of these regulations. As President Obama said: We must rein in government agencies and force them to help businesses when they refuse to do so. I could not agree more.

There are a number of actions Congress can take immediately to help bolster our Nation's economy. The adoption of Senator PORTMAN's amendments is one of those actions. I look forward to continuing to work with him on these issues. I believe our best days are still ahead, but we need to change course now. We need to roll back the regulations that are tying the hands of entrepreneurs across America. We can help hasten an economic recovery by embracing progrowth policies that place more money in the pockets of Americans.

I would also like to highlight another issue that would help create jobs and provide certainty for the businesses across the country; that is, Congress should pass a budget. Congress has not passed a budget in nearly 2½ years. Passing a comprehensive budget is one of the most basic responsibilities of Congress, but it has failed to accomplish this task.

America desperately needs a comprehensive 10-year plan that offers real solutions to the economic and fiscal problems in this country. We cannot lower unemployment rates in Nevada or restore the housing market without a holistic approach to reining in Federal spending and lowering the national debt.

Congress passed another continuing resolution that lacks a long-term approach to restoring our Nation to fiscal sanity. Instead, this bill funds the government for just a few more months. Congress cannot continue to function without a measure of accountability to hold Members of Congress to their constitutionally mandated responsibility, which is why I introduced the no budget, no pay amendment, amendment No. 674.

This measure requires Congress to pass a budget resolution by the beginning of any fiscal year. If Congress fails to pass a budget, then Members of Congress do not get paid. How can Congress commit to a debt reduction plan without a budget? Any serious proposal to rein in Federal spending and create jobs starts with a responsible budget.

At home in Nevada and across this country, if people do not accomplish the tasks their jobs require, they do not get paid. Somehow this very basic standard of responsibility is lost upon Washington.

The no budget, no pay amendment is not an end-all solution to our economic difficulties. It is, however, an important measure that Congress should adopt in order to show the American people that Members of Congress are serious about restoring our country to a period of economic prosperity.

Nevadans work hard for their paychecks. So should Congress. And since the majority believes the legislation before us today is a jobs bill, I encourage them to take up other measures that will help with job creation, such as opening our country to energy exploration, streamlining the permitting process for responsible development of our domestic resources, and taking the aggressive step of reforming our Tax Code. Let's make the Tax Code simpler for individuals and employers. Cut out the special interest loopholes while reducing the overall tax burden for all Americans.

Instead of looking for new ways to tax the American public, we should make our Tax Code more competitive and provide businesses the stability they need to grow and to create jobs. The continual threat of increased taxes feeds the uncertainty that serves as an impediment to economic growth. These are all things that both this administration and Congress could do immediately to boost economic recovery.

Let's give the American people a government that works for them. Removing impediments to job creation will get Americans working again and ensure our children and grandchildren have a brighter future.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant editor of the Daily Digest proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I would like to talk on the bill that we are debating on the floor about China currency. Let me say a few things. To me and to many of my colleagues on both sides of the aisle, very little we could do could be more important in both the short term and the long term than to require China to pay a price if they continue to flaunt international trade rules and manipulate their currency, causing their imports to America—their exports to America, our imports, to be much cheaper than they should be, and causing American exports to China—their imports of our goods—to be more expensive than they should be.

In the short term, it has been estimated by EPI that 2 million jobs could be created over 2 years if we pass this legislation and China's currency were no longer misaligned. But there is a long-term issue, and that is this: The bottom line is, what is our future in this country? It is good, high-paying jobs. It is companies, large and small, that create high-end products, products that take a lot of know-how, products that take a lot of skill to create, products that basically are the high end in terms of both manufacturing and services. That is our future.

Those are our crown jewels. When I ask—as many of us have asked the question—how in a worldwide economy can America compete, the answer is those companies. I admit that most of those companies are not large; they are smaller companies. They are small business people with great ideas for new ways of providing a service or creating a product. They are the people who employ about 65 percent of the new jobs in America. They are our future. Some of them will grow into very large companies. Many will stay employing 100, 200, 300, or 400 people. But they are on the front lines of world trade.

What have we found over the last decade? In almost 10 years, since China joined the WTO, we have lost 2.8 million jobs, simply due to the Chinese

Government's manipulation of currency. We have lost thousands more jobs elsewhere, because China steals our intellectual property. China has a mercantilist policy of taking an industry and nurturing it with local subsidies and making products so cheap that they export and overwhelm our market. That is what happened with solar cells, solar panels. They can take an advantage such as rare earths and oppose WTO rules and say to companies, if you want these rare earths, which you need for your products, you have to make it in China.

They do this over and over. Why do Senator BROWN and Senator GRAHAM and I and many others feel so strongly about this? Because we know if the present trend continues, as Robert Samuelson, the economist, noted in an op-ed in the Washington Post the other day, basically it is a disaster for America. If, when a young entrepreneur creates a product or service, that entrepreneur is overwhelmed by a Chinese product that has unfair advantage, we don't have a future. That is it. Many people worry about the budget deficit as the biggest problem America faces. It is a large problem and I hope we solve it. I will work hard to solve it. But, to me, the No. 1 problem America faces is how do we become the production giant we were over the last several decades but no longer seem to be. We are indeed a consumption giant. We consume more than anybody of our own products and other people's. But you cannot be a consumption giant for many years on end if you are not also a production giant.

What is a major external factor that contributes to making us a consumption giant rather than a production giant? It is the Chinese manipulation of currency, because it discourages production in America and encourages consumption of undervalued Chinese goods at the same time. The anguish that many of us feel about the future of this country translates directly into this legislation. I know there are lots of academics who sit up in their ivory towers, editorial writers, who love to look at this legislation and without even examining its consequences say that is protectionism. This is not protectionism. In fact, this legislation is in the name of free trade, because free trade implies a floating currency. That is what was set up at Bretton Woods. That was the equilibrium creator when things got out of whack. But it doesn't exist for China. A lot of countries have pegged their currency in the past and we paid no attention, because if you have .01 percent of GDP, and you are worried your tiny little currency will be overwhelmed, to peg it by world trends, that doesn't create much trouble. When you are the second largest economic power in the world, largest or second largest exporter in the world, to peg your currency totally discombobulates the world trading system.

Given the danger to the future of our country, and given the danger to the continuation of world trade by China continuing its currency manipulation, why isn't there more of an outcry? That is the question I ask myself. I don't have a good answer. Perhaps it is because those editorial writers and big thinkers don't talk to the manufacturers of high-end products in New York State I talk to, who see they cannot continue against China unfairly because of currency manipulation. Whether it is a ceramic that goes into powerplants, which I talked about yesterday, or even a high-end window that is used for major office buildings and museums, China uses its currency manipulation to gain unfair advantage over our companies up and down the line. Maybe those in the ivory towers don't talk to the manufacturers on the ground as so many of us do because that is our job and that is our living. Maybe it is because global companies have fought our provision in the interest of their shareholders.

I don't begrudge the big companies. Their job is to maximize their share price. If firing 10,000 American workers and moving them to China, and creating those 10,000 jobs in China gives them more profitability, in part because of currency manipulation, yes, that is what corporations are supposed to do. But that is not in America's interest. It may have been in General Electric—a company that has lots of New York presence and that I like very much—it may have been in their interest to sign a contract for wind turbines and give to China intellectual property in return. But it sure wasn't in the interest of the workers in Schenectad, even if it might have been in the overall interest of the GE shareholder. Maybe it is because the Business Roundtable and the Chamber of Commerce, which is dominated by the larger manufacturers and service companies and the larger financial institutions. They don't care about American wealth and jobs; they care about their own profitability and sales and share price, and if China has an unfair advantage, so be it. That is not their job. Maybe that is the reason. That is beginning to change, by the way.

When I last visited China, I met with the heads of the China divisions of many of our largest companies, and I had met with the same people several years before—and intermittently some of them in between—and their tone has totally changed. They are exasperated with China's mercantile policy. One of the manufacturers, who had been one of the leaders in saying don't touch China, because they exported a ton of goods there, had a different tone. He said: We can only export certain of our goods—the ones China doesn't make—and the rest we have to make in China and in certain provinces. That is a large, huge multibillion dollar U.S. company.

Another company, a major retailer, told us they cannot run their stores the way they wish in China because China dictates what they can and cannot have on their shelves. Half of the products on their shelves in American stores cannot, by Chinese Government dictate, be on the Chinese store shelves. Some of our large companies are sort of realizing that letting China get away with all of these violations of free trade, all these violations of WTO, no longer serves their interests, though, admittedly, they have not come around to support our bill.

Then there are those who are fearful that the Chinese will retaliate. That one drives me the craziest. I grew up in Brooklyn. When there were bullies and you didn't stand up for yourself, they bullied you and bullied you some more. If you stood up to them, yes, there was going to be some retaliation, but it was a lot better than giving in. That is what we have done with China. Will China retaliate if this bill becomes law and hundreds of American companies grow to have countervailing duties imposed? Yes. But the Chinese know they have far more to lose in a trade war than we do. Their economy is far more dependent upon exports—just look at the percentage in terms of GDP—than ours. They are far more dependent upon the American market than we are on the Chinese market, as important as it is to many of our companies.

While China will retaliate in a measured way, they will not create a trade war. It is not in their interest; they cannot afford to. I have news for those who are worried about a trade war: We are in one. When China manipulates its currency, steals intellectual property, and uses rare earths to lure businesses and takes our intellectual property and brings it to factories in China, subsidizes them against WTO rules, and then tries to export the product here, as they are doing with solar panels, that is a trade war, as millions of Americans who have lost their jobs realize. So we are in the war. We may as well arm ourselves so that we might win.

The bottom line is very simple: I hope this bill moves forward. I hope it goes through the House. A large vote in the Senate tomorrow will be a message to the House—Senator BROWN's bill and, of course, his and ours have been combined. But Senator BROWN's bill passed in the House a few years ago, and I hope the President rethinks things and signs it, because if he does, my prediction is that China, which never backs off when it is in their own economic interest, will, because it will no longer be in their economic interest because penalties will be imposed and equality will be imposed upon them once this bill is law. So they will let their currency float—maybe not as quickly as we want but far more quickly than it happens now, once this bill becomes law.

In my view, the arguments that have been raised against America taking action to deal with unfair Chinese currency manipulation are outdated, wrong, and ineffectual. I have been arguing the other side, our side, for 5

years. When Senator GRAHAM and I first started talking about currency manipulation, imposing a tariff, both the Wall Street Journal and New York Times editorial boards—one very conservative and one very liberal—said China should be allowed to peg its currency. We have made progress in the strength of our intellectual arguments. We have to take that strength and translate it into action. Millions of American jobs, and ultimately trillions of American dollars of wealth, and nothing less than the future of our country are at stake.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from South Carolina.

Mr. DEMINT. I rise to speak in opposition to the Chinese tariff bill being proposed by my colleague from New York. I understand the frustrations that motivated this legislation, and I share serious concerns over China's currency manipulation and trade practices. I have worked for years to ensure that trade happens and that free trade happens on a level playing field. We still have a long way to go.

The answer to these frustrations with China is not to start a trade war that will raise prices on many goods for American families at a time when they are already struggling, especially when this approach has already been tried and failed to gain any positive results for American workers. The absolute last thing our floundering economy needs right now is retaliatory tariffs on American products that will destroy more jobs. If we want to strengthen our currency, we should start by getting control of our own monetary policy. We don't need to start a trade war with China; we need to stop the class warfare that is preventing jobs from being created right here in America.

American workers are the best in the world, but they cannot fairly compete in a global economy when the U.S. Government is keeping one arm tied behind their back. The solution is to free American workers, not to try to tie up our competitors with more misguided policies that will hurt American families with higher prices on household goods. The U.S. Government needs to give American workers the freedom to work, and that freedom starts with the freedom to get a job.

If President Obama and the Democrats want to know who is preventing jobs from being created in America, all they have to do is look in the mirror. Let's be clear about a few things: Other countries are not threatening to massively raise taxes on our Nation's job creators and drive jobs overseas. President Obama is. Other countries did not jam through a health care takeover bill that is raising the cost of health care, making it harder for businesses to hire people and adding trillions of dollars to our national debt. The Democrats in Congress did. Other countries did not force us to pass the Dodd-Frank financial takeover with thousands of new regulations that are raising costs on American consumers and crippling businesses. Democrats in Congress did. Other countries are not writing hundreds of new regulatory rules that are destroying jobs in our Nation's energy sector and keeping us dependent on foreign oil. The administration's EPA is. Other countries are not blocking Boeing from creating thousands of American jobs in the State of South Carolina. The President's National Labor Relations Board is. Other countries are not forcing 28 U.S. States to require employees to join labor unions that make businesses less competitive. Democrats are the ones protecting labor bosses and hurting workers in America.

The Wall Street Journal has called this Chinese tariff bill ''the most dangerous trade legislation in many years,'' and for good reason. If we pass this bill, it is likely to spark a trade war. It is unlikely to create new jobs in America but will result in higher prices for U.S. consumers. Businesses will pay more for raw materials from China, which will increase prices on their goods and reduce employment. President Obama and the Democrats should know better after seeing the results of the tariff that was put on Chinese tires in 2009. In response, China retaliated with tariffs on American auto parts and poultry. This well-intended bill will have the same unintended results.

I understand the economic frustrations people have with China, but as so many of Obama's policies have done, this bill will only make things worse. This bill doesn't export the best of what American workers have to offer, it exports bad economics. Taxes and tariffs do not create jobs, competition and markets do. Freedom will work if we let it.

I urge the Senate to reject this bill and start helping American workers compete more freely here in America and around the world instead of simply trying to hold others back.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. I have just a couple comments with regard to those of the Senator from South Carolina. He was the ranking member on the Economic Policy Subcommittee on which also sat the Presiding Officer from Oregon in 2009 and 2010. We held a series of hearings on manufacturing policy, and there were some agreements between Senator DEMINT and me on having a manufacturing strategy. We are the only major industrial country in the world without a real strategy on manufacturing. There are three ways to create wealth in this society: manufacturing, mining, and agriculture. Manufacturing has been a dominant force and a significant creator of the middle class, and I think we agree on that. We agree we want more of it in our country. Thirty years ago, more than 25 percent of our gross domestic product was manufacturing. Today that number is less than half that, and there are countries around the world—Germany, for instance, which has had a manufacturing strategy, and they have almost twice the GDP and twice the workforce.

So while Senator DEMINT and I disagree on this China trade bill, I agree with the other Republican Senator from his State, Mr. GRAHAM, who has been a significant leader. He and Senator SCHUMER have worked on this for, I believe, more than half a decade on responding to the cheating the Chinese Communist Party and the People's Republic of China have done in the world trade structure. I don't believe, in any way, we are starting a trade war. Almost any economist will tell us the Chinese have been committing a trade war for a decade. That is why our trade deficit is three times what it was 10 or 11 years ago. It is why so many manufacturing jobs in Senator GRAHAM's and Senator DEMINT's State of South Carolina, the Presiding Officer's State of Oregon, and my State of Ohio have been lost, not only because of China's currency, but that is clearly a significant contributing factor. I go back to the illustration of gas stations, one across the street from the other, in Akron, OH. If one gas station could buy its gasoline with a 25-percent discount, it would soon put the other gas station out of business. That is really what has happened with China. China understands they have a 25-percent advantage given to them because they game the currency system. I know what that means. The Presiding Officer from North Carolina has seen what has happened to manufacturing in her State, a major manufacturing State. Our trade problems are not so much with companies in China, they are with the government. It really is our companies against the government. When they can game the system with a 25-percent bonus—when they sell into the United States, they get a 25-percent bonus, and when we try to sell into China, we get a 25-percent penalty on our companies' products—that hardly seems fair to me.

So as Senator GRAHAM and Senator SCHUMER, the two leaders in this for many years, have said, they just want to level the playing field. They don't want us to have an advantage over China. Let's play fair and straight. Really, that is what the question is, and that is what this currency bill will finally do.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Oregon.

Mr. MERKLEY. Madam President, I wonder if my colleague from Ohio would consider a bit of a discussion for a few minutes.

Mr. BROWN of Ohio. Love to.

Mr. MERKLEY. I found it very interesting, listening to some of the debate today, that there seems to be some policymakers in the Senate who haven't come to understand that when another nation pegs its currency, rather than letting it float, it does so deliberately to put in effect what is essentially a tariff against imports. In our case, that is a tariff against American imports, and in some cases it provides a subsidy to exports.

Now, here we are in America. Why would we say it is OK for China to peg its currency in a fashion that puts a tariff against American products and subsidizes Chinese exports to America? Because that is guaranteed to strip jobs out of America. Why would some Members of this Chamber consider that to be just fine? I am puzzled by that, and I am wondering if the Senator could help me understand.

Mr. BROWN of Ohio. I appreciate that. I was listening to one of the previous speakers who opposed this bill and characterized the bill as a China tariff bill. The Senator said it exactly right. When we sell to China, it is as if they put a tariff on our products. When we buy from them, we give them a 25-percent bonus—excuse me—when we try to sell to them, they ban that import. When we buy from them, they have a 25-percent bonus. It is putting us at such a disadvantage, as the Senator said.

Mr. MERKLEY. In Oregon, we recently had the shutdown of a company called Blue Heron. It has operated for the better part of a century, making paper. The point Blue Heron was making was that because of the pegging of the currency, the paper they tried to sell to China faced a 25-percent tariff, while China's paper enjoyed a 25-percent subsidy if it was sold in the United States, and it created an absolutely unfair international trade playing field that was going to be putting American papermakers out of business. No matter how efficient they could possibly be, China, with this subsidy, could sell into the U.S. market, undercutting American products. Well, that plant shut down. It is one of a series of paper plants that have shut down. I think the Senator has some similar situations in Ohio.

Mr. BROWN of Ohio. We do. The Senator from Oregon and I have talked about this, that there is a gentleman who worked for a paper company who illustrated to me what China has done. It was a specific kind of paper, a glossy, coated paper for magazines. The Chinese bought their wood pulp in Brazil, they shipped it to China, milled it there, and sold it back to the United States, and they undercut Blue Heron and Ohio paper companies because they had that 25-percent subsidy.

There is no way, when labor costs are only about—labor is only about 10 percent of the cost of paper production—there is no way they could possibly buy something as heavy and voluminous as wood pulp, ship it across the ocean, mill it, ship it back in the form of paper, and not—the only way they can undercut prices is by huge subsidies. There may have been other subsidies to it. It may have been water and energy and capital and land, but it surely was that 25-percent subsidy these companies have when they undercut our manufacturers.

I just know that in 15 years, I say to the Senator, or 10 years, we will look back on the history of our country and say: Why did we let one country undercut our manufacturing base so substantially and lose all those jobs and lose all that technology? When the products are invented in this country, the production is done offshore, and so much of the innovation that is done on the shop floor ends up in that country rather than here, it makes it harder for us, when we lose that innovative edge, to catch up.

Mr. MERKLEY. I think it is important to understand as well that the pegged currency isn't the only tool China is using to create an unlevel playing field against American products. Another is that they use something economists call financial repression. That is a fancy word for artificially lowering the interest rates on savings on a level below inflation. So if you are a Chinese citizen and you are saving money and the inflation rate is 5 percent, the interest rate you are going to get is going to be less than 5 percent. It is a way, essentially, of taxing the entire nation, and then the Chinese Government takes those funds and they give massive subsidies to manufacturing in China. Those subsidies include grants, and they include below-market loans.

So on top of the huge tariff on American products which basically stems from this currency manipulation, we have these huge subsidies to domestic manufacturers who export to the United States. China is supposed to disclose those subsidies under WTO, but it may come as a surprise to some in this Chamber that China doesn't do it. They only did it one year, in 2006. So they are taking the structure that was set up and they are abusing it. This adds to, on top of the currency manipulation, further driving jobs out of the United States, discriminating against U.S. products.

Isn't there a time when we as policymakers need to stand for American workers, stand for the American middle class, and say we are not going to allow another nation in a major trading relationship to break the rules in order to discriminate against the very products that put American workers out of work?

Mr. BROWN of Ohio. As a result of the work Senator SCHUMER did early on this bill, with the cosponsorship of the Senator from North Carolina who is presiding, this bill really is the first major bipartisan jobs—major, biggest jobs bill we have brought in front of this Chamber, and this is a chance to finally begin to look toward ways of reindustrializing our country and building manufacturing that matters in places such as Buffalo and Charlotte and Portland and Toledo.

This bill is a real opportunity. I think that is why we got 79 votes on the first go-round on Monday night. I think it is why we have so many Republican sponsors of this bill. It is a result of the work Senator SCHUMER and Senator GRAHAM have been doing for years to begin to build that foundation, and that is why the passage of this bill is so important.

Mr. MERKLEY. I wish to thank the Senator from Ohio, Mr. BROWN, for his work, along with the work my colleague from New York, Senator SCHUMER, has done. It is time we stand for workers across our Nation who have been systematically losing the good-paying manufacturing jobs because China has been pegging its currency and discriminating against American products to subsidize the export of their own. This must be discussed in every corner of our Nation and must be discussed here on the floor of this Chamber because it is affecting the success of American families in Oregon, in Ohio, in New York, in North Carolina, and throughout our Nation.

Thank you, Madam President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BARRASSO. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BARRASSO. Madam President, if Washington is going to force new regulations on the job creators of this country, I think America needs to know the cost of those regulations. That is why I rise today to discuss an important amendment, an amendment I am offering to the underlying China currency bill. It is Barrasso amendment No. 671. This amendment, which is a bipartisan amendment—it is cosponsored by Senator MANCHIN and Senator BLUNT—will force the U.S. Government to look before it leaps when it comes to issuing job-crushing regulations.

Simply put, the administration would be required to do a comprehensive and transparent jobs-impact analysis—a jobs-impact analysis—before issuing any job-crushing regulations.

Job creation in this country has almost come to a halt. The Labor Department reported that zero jobs were created in August. The economic recovery that was promised by the administration failed to materialize. Unemployment remains at 9.1 percent. Meanwhile, the unemployment rate in China is 4.1 percent. Our economy is stagnant. China's economy is growing. It

has been this way since President Obama took office.

The President blames the American people by saying the country has grown soft. In September, he stated in a TV interview in Florida:

> The way I think about it is, you know, this is a great, great country that has gotten a little soft and, you know, we didn't have that same competitive edge that we needed over the last couple of decades. We need to get back on track.

Yet, despite the repeated assurances of improvement, President Obama's own economic policies have failed. The only people who have gained from these policies live in countries overseas. We see it in China. These are people who are benefiting from American companies moving operations outside the United States. Why? Well, it is to escape Washington's redtape.

The President's stimulus plan failed to produce the 3.5 million jobs the President had promised. His so-called green jobs initiative gave us more red ink but never came close to the 5 million new jobs he predicted.

All the while, the Washington bureaucracy that he controls has continued to churn out extensive as well as expansive new regulations that amount to an assault on domestic private sector job creation. The facts are inescapable. Since President Obama took office, America has lost approximately 2.3 million jobs. We have been in an economic crisis, a crisis that extends to America's confidence in the President, confidence in this President to do anything that will change the current course.

What the American people want is leadership, and they have rejected the President's insistence that the only way forward is through more spending and more Washington redtape on those in this country who create jobs.

In September, the President addressed a joint session of Congress. He actually said he wanted to eliminate regulations, regulations he said put an unnecessary burden on businesses at a time, he said, they can least afford it. Well, we heard this same message from the White House time and time again. The rhetoric coming out of this White House simply has not matched the reality.

In fact, Washington continues to roll out redtape each and every day. The redtape makes it harder and more expensive for the private sector to create jobs while making it easier to create jobs in foreign countries such as China. The President said his administration has identified over 500 reforms to our regulatory system, he said, that would save billions of dollars the next few years.

Well, I appreciate that the White House may have identified wasteful regulations, but it will not help our economy unless the White House repeals those wasteful regulations. The President's jobs plan does nothing to fix the regulatory burdens faced by America's job creators. His jobs plan actually adds to the burden on job creators in this country.

The President has tried to justify this increasing avalanche of redtape. He said he does not want to choose between jobs and safety. Well, in today's regulatory climate, the choice is a false one. Washington's wasteful regulations are not keeping Americans safe from dangerous jobs. The American people cannot find jobs because no one is safe from the regulations coming out of Washington.

For every step our economy tries to take forward, Washington regulations continue to stand in the way. The expansion of the Federal bureaucracy is suffocating the private sector economy. Federal agency funding has increased 16 percent over the past 3 years, while our economy has only grown 5 percent over the same 3 years.

The regulatory burden is literally growing three times faster than our own economy. This massive increase in Washington's power has only made the U.S. economy worse and China's better. Americans know regulating our economy makes it harder and more expensive for the private sector to create jobs. The combined cost of new regulations being proposed by the Obama administration in July and August alone was $17.7 billion. Much of this cost was borne by Americans working in red, white, and blue jobs.

Those who try to justify these policies claim they will help us create green jobs at some unknown time in the future. Our economy, our job market, is not a seesaw. Pushing one part down does not make the other side pop up. This administration's out-of-control regulations scheme is dragging down large portions of our economy.

Now the President has promised to stop this kind of overreach. President Obama issued an Executive order at the start of this year. Way back in the beginning of 2011 he said he wanted to do that, to slow down Washington's regulations.

Let's see how effective the President has been with his Executive order. Well, it has failed. In the month the President issued his Executive order, way back in the beginning of 2011, all of those months ago, hundreds of new rules and regulations have been either enacted or proposed. For every day that goes by, America's job creators face at least one new Washington rule to follow.

When the President announced his Executive order, he said he wanted to promote predictability and reduce uncertainty. These are very laudable goals, but a new rule every day does nothing to promote predictability and is the very definition of uncertainty. The main source of uncertainty in the economy right now is Washington regulations.

To make things worse, the people most victimized by this uncertainty are the very people the President claims he wants to help. The President said last year that when it comes to job creation, he wants to ''start where most new jobs do, with small businesses.''

Well, the sentiment is right, but, again, what has he done about it? According to the U.S. Chamber of Commerce, businesses with fewer than 20 employees, well, those businesses incur regulatory costs that are 42 percent higher than larger businesses which have up to 500 employees. These figures do not include the avalanche of new regulations coming down the road.

Since January 1 of this year, over 50,000 pages of regulations have been added to the Federal Register. The U.S. Chamber of Commerce has said the President's new health care law alone will produce 30,000 pages of new health care regulations. At whom are many of those aimed? Well, it is these same small employers the President claims to want to help.

The President said he will keep trying every new idea that works, and he will listen to every good proposal no matter which party, he said, comes up with it. Well, I have a pretty simple idea. If the President wants to know which proposals will work to create jobs, maybe he should require his regulatory agencies to tell him how their own actions will affect the job market.

The amendment I am offering is going to do just that. It is a bipartisan amendment. It is based on a bill that I have introduced called the Employment Impact Act. This amendment will force every regulatory agency to prepare what is called a jobs impact statement—a jobs impact statement—for every new rule proposed.

The impact statement must include a detailed assessment of the jobs that would be lost or even gained or sent overseas upon enactment of a rule coming out of Washington. Agencies would be required to consider whether new rules would have a bad impact on our job market in general. This job impact statement would also require an analysis of any alternative plans that might actually be better for our economy.

The amendment requires regulatory agencies to examine and report on how new rules might interact with other proposals that are also coming down the road. The problem with Washington regulations is not only that they are too sweeping, but there are also too many. It makes no sense to look at any one individual rule or regulation in a vacuum and then enacting hundreds of them without identifying and understanding their cumulative impact and effect.

The cumulative effect of those regulations is going to spell death by a thousand cuts for hard-working Americans who are trying to work, trying to support their families. In keeping with the principles of transparency that President Obama regularly proclaims is a priority for him, this bill, this amendment, will require every jobs impact statement prepared by a Federal agency to be made available to the

public. The American people deserve to know—have a right to know—what their government is actually doing.

Federal agencies in Washington need to learn to think, to think about the American people before they act. Requiring statements from these agencies on what their regulations will do is nothing new. For 40 years the Federal Government has required an analysis of how Federal regulations will impact America's environment. They have to file what are called environmental impact statements. What I am asking for is simply a jobs impact statement.

Past generations of legislators rightly recognized the importance of America's land, air, and water. It is equally important that we recognize the importance of America's working families as well. America's greatest natural resource is the American people. We are talking about people who want to work, who are willing to work, who are looking for work, and yet cannot find a job.

This amendment, the Barrasso amendment, will force Washington bureaucrats to realize Americans are much more interested in growing our Nation's economy than they are in growing China's economy.

I urge a vote and adoption of this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I rise today to, first of all, congratulate all of my colleagues, the 79 Members who came together to vote to proceed to a very important measure, a jobs bill that is currently before us.

The great news is that it is a jobs bill that will cost us zero dollars to be able to implement in terms of about 2.25 million new jobs, new jobs that will come. Why? Because we are saying as a group, as the Senate: Enough is enough, and we want China as well as other countries to follow the rules. We want them to follow the rules so when our companies and our workers are competing in a global economy they will have a level playing field and the ability to compete. We know if the rules are fair, if there is a level playing field, we in America will compete, and we will win. We know that.

The biggest violator on any number of trade issues we know of right now is China. When they joined the WTO 10 years ago, the whole point of them being able to join the world community under a world set of economic agreements was to make sure they would have to follow the rules like everybody else. But ever since that time they have done nothing but flagrantly violate the rules.

When China does not play by the rules, it costs us jobs. It puts our businesses in Michigan, our workers in Michigan and across the country at a severe disadvantage. It has to stop. We in Michigan have been through more, deeper and longer than any other State in the Union, and we are coming back because of a great work ethic and ingenuity and ideas and entrepreneurship. We are moving forward and creating new ideas. More clean energy patents are being created in Michigan than in any other place in the country.

We just had news today that, in fact, we are—last year 2010—the fastest growing high-tech sector. There are more high-tech research and development jobs in Michigan than any other place in the country. So we know how to compete and we know how to win.

But we are in a global economy, where our companies are competing against countries. When we have an entity, a country like China that does not believe they need to follow the rules—whether it is stealing our patents, whether it is blocking our businesses from being able to bid to do business in China, or whether it is the huge issue of currency manipulation, which is in front of us today, we know the rules matter. We know it is our job to stand for American businesses and American workers, and that is what the bill in front of us does.

It says to China and any other country involved in currency manipulation that we have had enough. It directs Treasury to take action; to look around the globe, determine where there is currency misalignment, and to prioritize the countries that are most egregious in their actions—we know China is at the top of that list—and then it requires them to act.

It requires Commerce to work with our businesses to act. We have had enough talk. We have had enough of hearing about give China time. We are now past 10 years when they entered the WTO, and every time we start talking about this, they say: Well, we are going to change it. We are starting to change it.

There are those in Congress who say not only has it not changed but maybe it is even getting worse. The point is, we are losing jobs as a result of the way China cheats. Enough is enough.

How do they do that? In this case, when we say currency manipulation, eyes glaze over. The reality is, because of the way they value their money—their currency—they are able to get an artificial discount. Their products appear to cost less coming to the United States—the same product made the same way. Ours artificially gets an increase in the price. It can be up to a 40-percent difference, not because of anything other than the fact that they do not value their currency the way every other country in the world does in the world economy. They always make sure they peg it in a way that they get a discount, no matter what.

That is illegal under the WTO. It is unfair. It is cheating. That is what this bill fixes. A real-world example: We have some great auto parts manufacturers in Michigan, and a very common story would be that a part breaks and to get another part, it costs $100 in Michigan, but the Chinese were able to peg their cost at $60—not because it was any different, other than the fact that they value their currency in a way that allows them to have it appear that it costs less. So this is something we intend to take action on.

We know right now that if the Chinese currency was revalued, if they did what everybody else does and followed the rules, we would see up to $286 billion added to the U.S. GDP right now. We would see 2.25 million U.S. jobs being created if China and others around them followed the lead and revalued their currency—2.25 million jobs. We don't need a line item in the budget to do that.

We are not talking about a new program. We are simply talking about leveling the playing field and stopping China from cheating. We can create those jobs. Our deficit would be reduced by between $621 billion and $857 billion, at no cost to taxpayers. At a time when we are struggling with the largest deficit we have ever had, and we are struggling with how we address that, the ability to have up to $857 billion reduced in our deficit at no cost to taxpayers—that sounds like a pretty good deal to me. People in Michigan would say: Why has it taken so long to be able to address this?

Now is the time that we have a strong, bipartisan coalition. I am so proud of all our colleagues who have come together from every part of the country, every part of our economy, whether it is manufacturing, agriculture, textiles or those involved in high tech, saying it is time for us to stand for America, for American jobs, and for American businesses. That is what this is all about. What else are we hearing about this particular effort? The Federal Reserve Chairman, Ben Bernanke, said:

> The Chinese currency policy is blocking what might be a more normal recovery process in the global economy. It is . . . hurting the recovery.

Again, that is something we can do to reduce the deficit and create jobs. China is proceeding with a policy that is hurting the recovery, at a time when we need to get everything out of the way so we can come roaring back as a country. We are the greatest country in the world. We have tremendous challenges right now, economically, that we will work our way out of. But one of the first things we can do is say to China: Stop cheating.

We also have C. Fred Bergsten, a former Assistant Treasury Secretary, saying this:

> I regard China's currency policy as the most protectionist measure taken by any major country since World War II.

Over the years, we have debated fair trade and free trade, whether it is protectionist to stand up for American businesses or workers, and here we have an expert saying to us that China's policy on currency manipulation is the ''most protectionist measure taken by any major country since World War II.''

The reality is, we can compete with anybody and win—and we will. But it is

our job to make sure there is a level playing field. This is about American competitiveness. This is about being a global economy and making sure the rules are fair, making sure everybody is following the same rules, and then let's go for it. I will put America's ingenuity and entrepreneurship, research and development, and skilled workforce up against anybody's.

Some say—and we have heard from the highest levels of the Chinese Government—it could spark a trading war if we stand for our businesses and require there be a level playing field. We know we have a complicated relationship with China. We borrow funds to offset our debt. But we also are the largest consumer market in the world. They want to be able to sell to us. I cannot believe they will decide that they suddenly don't want to sell to the United States all those things they make, the largest consumer market in the world. The difference is, they would not be able to cheat, to get artificial discounts that will hurt an American small business that is making the same product.

As for the American textile industry, I had an opportunity to visit some folks who make denim for jeans and folks in the cotton industry and talk about competitiveness and what this protectionist policy in China is doing to the American textile industry, which is beginning to come back—and will come back if, in fact, there is a level playing field on trade. But they are up against a situation where they artificially are facing a 28- to 30-percent discount because of currency manipulation. Yet they are still competing. Can you imagine if the rules were fair?

This is about American competitiveness, and it is about the fact that we are responsible for making sure there is a level playing field for American businesses and American workers. We will not have a middle class in this country if we don't make and grow products. We want to make products here and grow products here and the jobs will be here and then we are happy to export products. We want to export our products, not our jobs. That is the difference. We are sick and tired of exporting our jobs because of the fact that China does not follow the rules. Enough is enough. After more than 10 years, they have not had to step up and do what they are supposed to be doing under the agreements they have entered into. Enough is enough.

Again, I look forward to our final vote on this legislation. I think this is a very important moment, at a time when there are many disagreements, and there have been many difficult times in the Senate—being able to move forward and take action, the fact that colleagues on both sides are standing together on behalf of businesses and workers at every corner of this country, saying we are going to fight for American jobs and businesses, large and small, and we are going to make sure we create a level playing field so we have the competitiveness structure we need in this country, because we know if we have that level playing field, there is nothing that can stop American ingenuity and American workers, who are the best in the world and will continue to be.

I urge adoption of this bill and congratulate all my colleagues who have been involved with this issue for many years—colleagues on both sides of the aisle. I am very pleased we have been able to get the legislation to this point. It is now time to act on behalf of American workers and American businesses.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

Mr. HATCH. Mr. President, as we discuss our relationship with China, it strikes me that we are ignoring one of the most critical issues impacting U.S. competitiveness in regard to China—namely, China's inadequate protection of U.S. intellectual property, or what I call IP.

Let's remember that intellectual property is our Nation's No. 1 export. American IP underpins the knowledge economy, providing our workers and companies with a significant competitive advantage. In short, IP equals jobs for American workers. It is that simple. Studies have shown that IP-intensive industries employ more than 19 million workers, create higher paying jobs across all skill levels, and support more than 60 percent of total U.S. exports. That is why throughout my service here I have endeavored to ensure that U.S. innovators and content creators are able to operate in an environment in which their IP, or intellectual property, is adequately protected.

I am pleased to have been the lead Republican sponsor of the recently enacted America Invents Act, which resulted in long overdue reforms to our Nation's patent system that will strengthen our economy, create jobs, and provide a springboard for further improvements to our intellectual property laws. I was very pleased to see Senator GRASSLEY take that over as the new ranking member of the committee and do such a great job with it. And I want to pay tribute to the distinguished Senator from Vermont, Mr. LEAHY, as well and to my colleagues in the House who saw the importance of that particular new law. It is the first time we have modified the patent laws in over 50 years, and that was a historic event.

So it is pretty apparent that I take a great interest in intellectual property and all aspects of it. I am the chairman of the Senate Republican High-Tech Task Force. I have to say it is really a privilege to work with these brilliant people who work in the intellectual property area, and while many of them are in Silicon Valley out in California, we have our own Silicon Valley in Utah that is becoming very well known, a lot of innovation. So we have most of the really great companies right there in Utah as well.

U.S. leadership in innovation has not gone unnoticed by our economic and strategic competitors, who are adopting and evolving innumerable tactics to steal, expropriate, or otherwise undermine our intellectual property rights. Few, however, have been as overt in these efforts as China. The statistics on counterfeiting and piracy alone are staggering. According to a recent report by the U.S. International Trade Commission, firms in the U.S. IP-intensive economy that conducted business in China in 2009 reported losses of approximately $48.2 billion—that is billion with a ''b''—in sales, royalties, or license fees due to IP infringement in China. Now, that bears repeating: $48.2 billion in losses for U.S. companies due to intellectual property infringement in China.

Perhaps most disturbingly, the ITC report noted that companies reported that an improvement in IP protection and enforcement in China to levels comparable to that in the United States would likely increase employment by 2.5 percent. Think what that would do for our country. That amounts to almost 1 million U.S. jobs. And these aren't just jobs, these are really good jobs. These are jobs that would benefit our country a great deal.

But counterfeiting and piracy does not stop at China's border. Based on U.S. border seizure statistics, China is the primary source of counterfeited products in the United States. These counterfeited products from China run the gamut. We are talking about counterfeit toys, fake drugs, fake auto and aircraft parts, counterfeit computer chips, and counterfeit software, music, movies, and games—in essence, anything and everything that has value in the sights of Chinese counterfeiters. Imagine if you are flying on an airplane and the parts they thought were valid and good parts all of a sudden quit working. This is a very important point I am making.

Clearly, this is not incidental. It is pervasive. Given China's system of government, it is fair to draw the conclusion that piracy and counterfeiting have explicit or implicit government approval, for there is little doubt that China would deal severely with any other activity they found objectionable well before it became pervasive. If they wanted to, they could clean this up. I hope they will because it is very much to the disadvantage of our country.

It is becoming clearer every day that China's failure to protect U.S. intellectual property is part of a well-coordinated government-led national economic development plan. Nowhere is

this more obvious than in China's adoption of plans to promote ''indigenous innovation.'' China's indigenous innovation policies disadvantage U.S. innovators through rules and regulations which mandate the transfer of valuable technology and rules which provide preferential treatment for intellectual property which is developed in China. In addition, there have been continued attempts to use technology standards as both a means to erect barriers to U.S. technology and as a means to unfairly acquire very valuable U.S. technology.

This is not to say China has not made any progress in combating the theft of U.S. intellectual property. Certainly the commitments made at the recent JCCT meeting regarding indigenous innovation and government procurement were a positive step, as was the recent agreement by the Baidu Web site to license legitimate content from certain IP owners. But while these actions are a good start, there is a lot more that needs to be done.

We can debate currency manipulation all day long, but if we want to foster immediate job growth in the United States, we should focus our energies on working to find ways to staunch the bleeding when it comes to the theft of American innovation by China. Again, we are talking about close to 1 million good-paying U.S. jobs which stand to be created if we can get this problem under control.

I stand ready to work with my colleagues on this important set of issues, but these are important issues, and it is time for China to grow up and get into the world community and do what is right. It is a wonderful land. They have tremendous capacities. They are brilliant people. A lot of their engineers were educated here. They are people who really deserve to be leaders in the world community if they live in accordance with the basically honest rules of the world community. But right now they do not live in accordance with these rules, and they could do a much better job on intellectual property than they have done.

I have been there a number of times, and each time I have gone there, I have raised the intellectual property issues and I have raised the piracy issues. They always say they are going to do something about these issues, but when push comes to shove, they really don't do what really needs to be done.

Another important issue we need to discuss is enforcement, and that is why I filed amendment No. 679. My amendment requires the Comptroller General of the United States to submit an annual report to the Congress on the trade enforcement activities of the Office of the U.S. Trade Representative—or we refer to it as USTR. This is a simple amendment that serves a vitally important purpose.

USTR is a relatively lean agency as compared to much of the bloated Federal bureaucracy. It is at the front lines in our efforts to open new markets to U.S. goods and services providers, and it leads the way in holding our trading partners accountable when they fail to live up to their trade commitments. It is a tough job. U.S. companies face an unrelenting onslaught of governments and NGOs which collaborate in seeking new ways to hamper America's economic competitiveness by undermining our intellectual property rights, by imposing unwarranted phyto-sanitary measures that have no basis in science, by enacting new technical barriers to trade, imposing unfair pricing and regulatory regimes upon our industries, and other equally harmful measures. Our goal, of course, should be to eliminate every single one of these. But the reality of the situation is that, in a world of limited resources, we must prioritize.

To my mind, the No. 1 priority should be removing barriers to our exports of goods and services, and eliminating foreign government practices which most impact U.S. jobs and economic well-being. Unfortunately, that has not been the case under this administration. Unfortunately, that is the situation we find ourselves in.

To cite an example, most people realize that China is an enormous problem for U.S. innovators and content creators. Our companies face policies designed to foster Chinese innovation at the expense of U.S. innovators, the imposition of standards-based barriers, the continued refusal to direct adequate resources toward stemming counterfeiting and piracy in both the online and physical realms, and other policies, laws, and regulations that diminish the value of U.S. intellectual property. To date, this administration has not filed a single intellectual property-related enforcement action against China.

Similarly, Chile continues to flagrantly violate the terms of our bilateral free-trade agreement with regard to crucial protections for intellectual property. Despite the direct and demonstrable harm to American innovators and workers, no dispute settlement process has been initiated with regard to Chile's failure to adequately protect intellectual property in accordance with the terms of our free-trade agreement that we have entered into with them.

In contrast, after 3-plus years of devoting significant resources to intensive negotiations with the Government of Guatemala, the Obama administration announced the initiation of the first ever bilateral labor dispute against an FTA partner. The administration also recently announced that it will investigate allegations by a Peruvian union that the Government of Peru has violated its labor under the United States-Peru Free Trade Agreement. To me, these actions demonstrate skewed enforcement priorities.

It is hard to believe that Guatemala's alleged failure to adequately enforce its own domestic labor laws is anywhere near the top of the list when it comes to trade barriers facing U.S. companies and workers. I also find it hard to believe that expending critical enforcement dollars to defend the interests of a Peruvian labor union should be among the top trade enforcement policies for this administration.

China, India, Brazil, Russia, and Chile are some of the many countries where we face very real threats to American industry and competitiveness due to unfair trade practices and barriers. But instead of focusing on these immediate, ongoing, and very real economic harms, the administration seeks yet again to instead score political points with labor union leadership.

I can hardly blame them for that, in a sense, because the trade unions in this country are the biggest supporters of the President and of the Democrats, but it is outrageous to not put our country first under the circumstances. It really is outrageous. I think even the trade unions are going to have to stop and think about, is this administration doing what is right with regard to our interests in all of these countries I have mentioned.

It is outrageous to direct the limited resources of our most important trade agency toward activities that have little to do with opening new markets or protecting U.S. jobs. This inability to prioritize based upon what is best for workers in the economy, as compared to what is best for building labor union support, is another unfortunate example of the administration's inability to lead on trade.

My amendment requires the Comptroller General, on a yearly basis, to detail the enforcement activities undertaken by the USTR and assess the economic impact of each such activity, including the impact on bilateral trade and on employment in the United States. It would also include an assessment of the cost of, and resources dedicated to, each such activity.

I am hopeful my amendment will assist this and future administrations in setting rational enforcement priorities. By providing an objective measure of the likely impact on trade and employment of any enforcement activities undertaken, it will also be an important resource for this and future Congresses in the conduct of our oversight responsibilities.

I would hope all of my Senate colleagues could support an amendment which provides us with important information and insights which will help us in ensuring that USTR utilizes taxpayer funds in the most effective manner possible toward opening markets and removing barriers to U.S. companies and workers.

I rise again today in support of my amendment No. 680. First, allow me to further explain some of my underlying concerns with the current bill's approach.

We have heard many estimates of job losses in the United States associated

with our trade deficit with China, following China's entry into the WTO, the World Trade Organization. Unfortunately, most of those estimates are highly unreliable and should be taken with a large amount of skepticism.

We have heard numbers coming out of the labor-backed Economic Policy Institute, or EPI, saying that 2.8 million U.S. jobs have been lost or displaced because of trade deficits with China since that country's entry into the WTO, with 1.9 million of those jobs estimated to have been in manufacturing. Unfortunately, those estimates come from an unreliable static analysis which essentially says imports displace labor used in domestic production and, therefore, lead directly to job loss and unemployment.

Looking at this particular chart here, you can see from that chart the relation between U.S. imports, which is the blue line, and the unemployment rate, which is the red line, and you can see how it has shot up since 2008, and it is still wavering at the top—does not seem to conform the jobs and unemployment claims being made with some of the numbers being used in our current debate. If anything, a casual observer might even say that when import growth is strong, it tends to be associated with a strong underlying economy, one in which unemployment is relatively low.

You can see from this chart that the imports were going up throughout the first part of 2002 to 2008, when they hit the pinnacle and then all of a sudden drop down with this administration. Now they are coming back up. But the unemployment rate has now gone up tremendously, and it doesn't seem to be coming down very far. So there is a correlation here. And, frankly, one that concerns me, as the chart suggests, following the pro-growth tax relief of 2003, the economy began to pick up some steam, imports correspondingly grew, and the unemployment rate fell until the financial crisis hit. That unemployment rate went down. The 2.8 million job loss number from the labor-funded think tank, or the 1.6 million job loss number the majority leader recently mentioned here on the floor, and many of the other job loss numbers associated with the China currency issue that are being offered by many of my colleagues on the other side of the floor, are highly unreliable and often not much different from numbers simply picked out of thin air.

The jobs numbers do not account for dynamic flows of workers from industry to industry, and the message being delivered is that if a job and an industry went away and net imports were going up, then the job must have been lost or displaced because of trade. Well, that is foolish.

What happened to the displaced worker? The analysis doesn't take that into account, and merely suggests, misleadingly, that the worker is unemployed. What happens to the dollars that are associated with financing any increased net increase in imports? The analysis doesn't take that into account.

If we run a higher trade deficit, finance it with dollar outflows, and foreign countries recycle the dollars back into Treasury bills to finance the President's stimulus spending spree, does the analysis take into account the resulting jobs that the President claims become ''saved or created''? No. Those jobs numbers are only convenient when advocates of the stimulus, such as the EPI, wish to promote more debt-fueled government spending.

I do not dispute that there are important dynamic effects of international trade on the U.S. labor market. I do dispute many of the numbers being tossed about and offered as estimates of job losses stemming from trade with China. I do dispute that dealing with our bilateral trade deficit with China is the most important thing we can do for jobs today, as the Senate majority leader has suggested. Those doubts, of course, are not reasons to not act on the Chinese currency issue, but they do lead me to doubt the job creation priorities of my friends on the other side of the aisle.

The President has been actively campaigning for congressional consideration and passage of the so-called American Jobs Act—right now, today—yet the majority leader here in the Senate refuses to let us consider the President's proposal right now, despite the minority leader having introduced a proposal for Senate consideration. Evidently, Senate Democrats believe that construction of a new mechanism to use to confront China and raise prospects of trade wars is more important to jobs than the President's plan. I don't think so.

The President states—rightfully so—that unemployed American workers don't have 14 months to wait for action on jobs. Yet we are considering a currency bill that, at best, would set in motion a lengthy process of currency misalignment determinations and perhaps ensuing trade sanctions. If anyone believes that the process set up in the currency bill to confront any currency misalignment in existence today will lead to job creation right now or in the next 14 months, then I suggest they do not understand much about international trade, labor markets, and the often painfully slow processes of international trade negotiations.

It took President Obama over 2½ years to send free-trade agreements to Congress, bills that were all set to go from the day he took office. Do you believe the legislation before us, even if it went into effect right now, would lead to a fundamental misalignment finding immediately, along with rapidly ensuing dialogue and action that would lead to job creation right now? Even if the legislation before us today were implemented today, it would likely take months and years before it achieved any results.

It is important to confront existing currency misalignments and global imbalances, the sources of which include persistently high amounts of U.S. debt made significantly worse during the past 3 years of deficits in excess of $1 trillion that were used wastefully on so-called ''stimulus'' and commercially non-viable green energy experiments that just plain did not work. People are starting to wake up to this type of approach to government.

To say that the issue of China's managed currency peg is the most important issue for job creation today is telling, and it certainly does not speak well for how the President's jobs act is perceived by his Senate Democratic colleagues as a job creator.

My concerns go beyond some of the claims related to job creation. I am afraid the current bill will be ineffective, and could actually end up harming our exporters through retaliation. That is a real fear, it is a real concern, especially since the Chinese have said they will retaliate. We don't need that right now, with the economy the way it is. But that is what they are going to do if this bill passes, even though some might think that is the right thing to do. And I am not the only one with concerns. Today, according to an article by the Associated Press, the White House finally publicly stated that it has concerns with this legislation. While we still don't know what those specific concerns are, we do know that they believe approval of the bill would be counterproductive.

We know that. Why doesn't the administration come out and say it? Why is it the President cannot lead on these issues? Why is it he always calls on Congress to lead on these issues? That is why we elected him as President—or should I say, that is why they elected him as President, because I did not vote for him, even though I like him personally. I did vote for my colleague, JOHN MCCAIN.

Similar concerns were expressed in an opinion editorial by the New York Times entitled ''The Wrong Way to Deal with China.'' They call this bill a ''bad idea'' and ''too blunt of an instrument.'' Specifically, they state that the bill is very unlikely to persuade China to change its practices, noting that it will instead ''add an explosive new conflict to an already heavy list of bilateral frictions.''

That is the New York Times. My goodness. That is pretty much the Bible for folks on the other side, and they do write very effectively on some of these issues.

I agree currency manipulation is a serious problem, and I have proposed a better way to address it. My amendment empowers the administration to work within existing frameworks to mitigate the effects of currency manipulation and stop it from occurring. If our negotiators cannot make progress in the WTO and IMF—we go there first—we must go outside these organizations and align with other like-minded countries to confront the Chinese currency interventions together.

I could not agree more with my colleagues who have introduced the bill we are debating that China's beggar-thy-neighbor's currency policies do harm the United States and our workers, and from that standpoint, I commend my colleagues. But massive currency interventions harm many other economies and their workers as well. We should join together in a pluralistic way to counter China's actions and negotiate a long-term solution to stop the fundamental misalignment of currencies, whether by China or any other country. If we did that, it would bring tremendous worldwide pressure on China, rather than acting in a bilateral fashion, which this bill will do. My amendment would allow that to occur. I would be happy to give credit to the other side if they would accept that amendment. They have to know it is a prescient, worthy amendment—something that would make a difference, rather than just making talking points or creating a trade war with a country that we should work toward getting along with.

Appreciating the Chinese currency will help address global macroeconomic imbalances and serve China's long-term economic interests as well, while ensuring that American businesses, farmers, manufacturers, service providers, and workers compete on a level playing field.

I just introduced this amendment yesterday around noon and I am pleased many of my colleagues have reviewed my substitute bill and they do support it and support a different approach. I think, if we want to work together, it is a perfect way of doing it because it gives what the folks want on this side and brings the right kind of pressure, without causing a huge trade war that is going to be very much to our disadvantage.

In addition, since the introduction of my amendment, many business associations, advocacy groups, think tanks, and others have come out in support of my substitute bill. I did not file that for political reasons. I did not file that to just cause trouble. I filed it because these ideas in that bill are far superior to the ideas in the underlying bill. I think my friends on the other side ought to look at it and tell me where they can improve it and take it over, if they will. The fact is, it is far superior to what the underlying bill is.

Many agree my approach is our best chance at solving this problem that we all find so frustrating. To those who think this is more of the same old approach, I say absolutely not. The old policies and the old Exchange Rate Act have not worked and they need to go. On that I think we all agree.

My proposal does not say try and work this out with China and hope for the best. Instead, my approach directs our negotiators to work with others and challenge China until a solution is agreed to. My approach does not prevent the United States from taking unilateral action, but it does demand that the administration seek out those countries that will join our efforts to combat currency manipulation so our actions are more effective and bring worldwide pressure on China to do what is right and to be more fair. We do need a bold, new approach, and we need to empower our negotiators to work within the WTO and IMF to ensure a level playing field for American businesses and workers. But if they cannot do that there and these institutions cannot handle this problem, then we must join with other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

This bill is going to cause a tremendous dislocation if it passes, and it is going to cause a trade war that is much to our disadvantage. It may make good populist talk, but it will be very much to our disadvantage and, in the end, will not do what they want it to do. My bill will. It may take some effort, but my bill will.

If they cannot confront these existing currency misalignments and global imbalances the way we are suggesting, if they cannot do that there and these institutions cannot handle this problem, then we have to join other like-minded countries to act in concert to counter China's currency policies outside the WTO and IMF.

That is what leadership is all about. That is what real executive branch leadership should be about. That is what a real USTR should be about. But we also need a partner. We need an administration that will lead on this issue. If I have an objection to this administration, it is that they do not lead on anything. They didn't send up a budget or the one they did failed 97 to zero. But they have not taken it seriously. They just wait for Congress to act and for Congress to do these things. That is what we elected the President to do, to send up his approach to this. That is what we elected him for and he ought to do that. But they do not, for some reason.

We also need a partner. We need an administration that will lead on this issue. My amendment will hold the administration accountable until they achieve results and that is whether it is this administration or a successive administration. We are debating which approach will better solve the chronic currency manipulation problem with China. My approach has been endorsed by Americans for Tax Reform, which said that the Hatch amendment ''offers a sensible approach that utilizes the mechanisms created by the international trade community to resolve such disputes.''

The Emergency Committee for American Trade says the Hatch amendment ''will more effectively address concerns about currency misalignment by China and other countries, without opening the door to many harmful effects on U.S. business and workers.''

The Retail Industry Leaders Association also supports my amendment, as does the Financial Services Roundtable. This amendment is already generating significant support. Why don't my friends on the other side take it, declare victory, and go from there? They can refile it in their name. That will be fine with me. I don't care who gets the credit for it, I just care that we handle it in a way that makes sense rather than make a bunch of political points that frankly will irritate the daylights out of our friends from China.

I urge my colleagues to support my amendment and let's all agree to hold the administration accountable and work with the other like-minded countries to challenge China's currency practices.

I am happy to yield the floor at this point.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the senior Senator from Ohio I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I said to Senator INHOFE I will be no more than 10 minutes and I appreciate his courtesy and his being here.

I rise in opposition to the Hatch amendment. I respect and appreciate my colleague from Utah and his proposal to negotiate a solution with China and other nations on currency. I have worked with him on the Health, Education, Labor, and Pensions Committee, as the Presiding Officer has, and I appreciate his concern on all these issues and his wide range of knowledge. My firm belief, however, is his amendment is not going to work. I know he generally does not want to take the same direction we do in standing up to the Chinese. I think, when we talk about multilateral negotiation, we are pretty much saying to the Chinese: Please stop the strategy, however unfair and in violation of international norms, that has helped your country accumulate enormous wealth. Please stop. We hope you will stop. Please stop, or we are saying please stop what Fred Bergsten says is the ''most protectionist policy any major country has taken since World War II.''

We have tried this. We now have the ability to do multilateral negotiations. Senator HATCH is right. The administration has not particularly led on that.

He is also right to add that the Bush administration also did not particularly lead on that. Before that, the Clinton administration did not particularly lead on that.

We have the ability, without amendment No. 680—because it would add nothing significant to the procedures and the steps that are already in place as a matter of current law and practice—to do these negotiations. We have an administration, a Treasury Department that may change political parties

from time to time but doesn't change strategies in dealing with the Chinese. It is always: Please stop. We hope you will do something differently. We would like it if you would change what you are doing. We think it would be better if you are not cheating on currency and cheating on international trade policies. We would like, now that we let you into the World Trade Organization, that you actually follow the rules of the WTO. We think it would be great if you follow the force of law and the rule of law.

Saying those things has gotten us nowhere. That is why, while I respect Senator HATCH, amendment No. 680 doesn't get us anywhere. It doesn't change the law. It just delays. We know how the Chinese like it when we delay because every day we delay is one more day where the Chinese cheat, where the Chinese have an advantage, where the Chinese, the People's Republic of China, the Communist Party, can again take advantage of American workers and American companies.

The Treasury Department already has specific reporting obligations. They already have ample authority to consult and engage bilaterally, multilaterally, and plurilaterally under the Exchange Rates and Economic Policy Coordination Act of 1988, which amendment No. 680 would repeal.

I appreciate what Senator HATCH wants to do, but the fact is, we have to make the Chinese understand, other than occasional pleading, occasional begging, the occasional polite requests—we have to make them understand, if they do not stop manipulating their currency, if they don't stop intervening to keep a weaker renminbi, the United States will defend itself. The United States cannot turn the other cheek on this one.

The Presiding Officer said the other day the Chinese steal our lunch, and if we take any of it back, they get all upset at us, although the Presiding Officer said it better than I just said it. But the fact is, the Chinese have not played fairly. I used the example on the Senate floor of what currency manipulation means in very simple terms. If there is a gas station on Summit Street in Akron and there is a gas station across the street—there are two Marathon stations—one of the Marathon stations gets its oil from Findlay, OH, at a 30-percent discount and the other station doesn't, the Marathon station that gets a discount is going to put the other one out of business, pure and simple.

As Senator MERKLEY said the other day, there is a tariff on goods we sell to China, and there is a subsidy on goods China sells to us. How do we compete with that? Amendment No. 680 will not help us compete with that, it will just delay and delay. That does not make sense. That is why this legislation, S. 1619, without the Hatch amendment, makes much more sense. It allows us to move finally and quickly. It allows us to move with certainty. It allows us to move straightforwardly. It strips away all the delay and the head fakes and the feinting and all the other things the Chinese Party Government is so good at doing.

I ask for defeat of the amendment and passage of S. 1619, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent at the conclusion of my remarks that Senator HARKIN be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, recently both the majority leader and the minority leader came down to the floor to talk about the President's jobs bill. There was an effort to bring up this bill by the minority leader, and it was objected to by the majority leader. And I understand that, but all we have heard from the President from the very first time he introduced this was ''pass the bill, pass the bill, pass the bill.'' I know there is some reason he keeps using that phrase over and over. It has probably been tested and is one that I think he believes will move a lot of people. Frankly, I don't think it will because too many people remember what happened the last time he had a stimulus bill. That is something which has not been really discussed on the floor in consideration of what he refers to as the jobs bill. So I can see why he keeps talking about passing the bill, because he doesn't really want to talk about it.

His new proposal reminds me so much of that $825 billion stimulus package he rammed through Congress shortly after entering office. It is almost the same thing. The Recovery Act is the $825 billion act. It included only $27.5 billion in highway spending, which was the stimulus portion of that bill. We are talking about 3 percent of the $825 billion.

I am particularly sensitive to this since I have in the past been the chairman of the Environment and Public Works Committee, and I am now the ranking member. We have a Transportation reauthorization bill we are trying to get up and get up on a bipartisan basis.

Back during the consideration of the Recovery Act, the $825 billion, I tried to pass an amendment on this floor to increase that to about 30 percent instead of 3 percent of the bill. If that had happened, we would not be in the situation we are today. We would have a lot of jobs out there that would be under construction and good things would be happening.

In the case of this $447 billion bill, which is kind of the Recovery Act lite, there is only $27 billion in highway spending, and it is not conceivable that he didn't learn his lesson from the first go-around that that is the main reason people are upset with it right now. That is the reason he keeps saying: Pass the bill, pass the bill.

The proposal includes a few different things, but much of it will be sent to the President to spend however he wants. Now, you may be wondering, will Congress tell the President where to spend the money? To a very limited extent, that is right. When Congress does not tell the President exactly what he is to do with each dime he gets, the President gets to decide what to fund.

This administration has a history of making incredibly poor spending decisions with the money appropriated to it. The biggest example I can think of is the $825 billion stimulus package. When the President signed this bill in February of 2009, he said—and I want you to hold this thought—he said:

> What I'm signing, then, is a balanced plan with a mix of tax cuts and investments. It's a plan that's been put together without earmarks or the usual pork barrel spending. It's a plan that will be implemented with an unprecedented level of transparency and accountability.

That is what he said. That is a direct quote. For those of you who are watching, I have news for you: Despite the President's remarks, the spending was not balanced, and it had a tremendous amount of porkbarrel earmark spending even though there were no congressional earmarks. This is a distinction not many people make. I tried to get this point across back when the Republicans very foolishly talked about having a moratorium on earmarks. I said: Those are congressional earmarks. That is not where the problem is. The problem is in bureaucratic earmarks.

The clearest and most recent example of a huge earmark is the loan guarantee that was given to Solyndra. We have been reading about this and hearing about it recently. It is now a bankrupt solar panel manufacturing company. We have heard about that. Solyndra was a politically connected firm from California that was able to lobby the White House to obtain a loan guarantee of $535 million to fund its green jobs pipedream. This happened despite the fact that some in the administration were warning the White House to give them more time to evaluate the company's finances. It seems they were concerned about the company's long-term viability. But these warnings were ignored by the White House. They wanted to fund the project anyway. Why? I think it was for two reasons: First, the White House has a fascination with green energy; second, political gamesmanship. Some of Solyndra's biggest investors are big fundraisers and have been big fundraisers for President Obama. We now know they made repeated visits to the White House. That is not just a coincidence.

Another question is this: How did the White House have the authority to give the loan guarantee to Solyndra in the first place? The short answer is Obama's stimulus package. That was the $825 billion stimulus package. It significantly expanded the Department of Energy's Loan Guarantee Program, and with this expansion the White

House was able to select Solyndra for a loan guarantee.

While the stimulus package did not include any porkbarrel spending in the way that most people think about it—congressional earmarks—this provides clarity to the fact that when Congress does not explicitly state where taxpayer funds should go, the money is handed over to the administration to spend however they want. They get to earmark every last dime.

In the case of Solyndra, the President handed it over to his political buddies who were in favor of the green energy projects. If that isn't a porkbarrel project, I don't know what is. Now the damage has been done, and the taxpayers are going to be on the hook for as much as $535 million in losses.

Sadly, Solyndra is just one of many examples of porkbarrel spending in the stimulus bill. We are talking about the first stimulus bill, the $825 billion bill. Not too long ago, Sean Hannity had on his program—I think it took him two programs to get it through—the 102 most egregious earmarks that are recorded. It is really kind of interesting. In fact, I have the whole list here, and I am going to ask that it be made a part of the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. I would love to be able to name all of these. These are just ridiculous. There is $219,000 to study the hookup behavior of female college coeds in New York; $1.1 million to pay for the beautification of Los Angeles, Sunset Boulevard; $10,000 to study whether mice become disoriented when they consume alcohol in Florida. It goes on and on. Again, there are 102 of these. These are the most egregious.

What is interesting is that the day after Sean Hannity exposed these earmarks—102 of them—I came to the floor and I read all 102 of them. I said: What do these 102 earmarks have in common? The answer: Not one is a congressional earmark. They are all bureaucratic earmarks. They all came from the $825 billion.

Remember I said a minute ago that he said there will be no earmarks in this package? It is the same thing he is saying about this second go-around for the jobs bill he is talking about today. The administration took $825 billion that Congress gave it and chose to spend it on stupid things such as the ones I just listed, but there are 102 of them. I hope he will take the time, since it will be in the RECORD, to read all 102 of them.

What does this have to do with the jobs bill? To me, the jobs bill is simply the President coming back to Congress to ask for more money to spend however he wants on porkbarrel projects such as these. No one has talked about this on the floor. They have talked about the problems they have with this spending bill and why it is really not a jobs bill, but no one is talking about the fact that this is exactly what he did before. I don't know why we are not talking about this and featuring this because if he said before that there were going to be no earmarks and then he had 102 egregious earmarks, why would he not do the same thing now? The answer is, he would do it. He would like to hand this out to his cronies in ways that would best benefit him.

You may remember the President's State of the Union Address from earlier this year. In it, he promised, and I quote, ''If a bill comes to my desk with earmarks inside, I will veto it.'' Well, you have a promise from the President that unless Congress gives him all of the authority to determine how money is spent through the bureaucratic earmark process, he will veto the bill. In other words, he will veto a bill unless he has total authority on how to spend it, and he can spend it on his own earmarks in spite of the fact that he said there will be no earmarks. So for any jobs bill to be considered, Congress is going to have to let the President decide how all the money is being spent. It is a hard concept to get ahold of.

''Earmarks'' has become a dirty word, and people assume that when you say ''earmarks,'' you are talking about congressional earmarks. That is not the problem. I have legislation I am going to be talking about that will correct this and better inform the public as to what is really going on. So we are finding ourselves in the same situation again.

What is worse is the fact that the problem of bureaucratic earmarks is not limited to special stimulus packages. It is a normal course of business. On any given day, the administration is making thousands of decisions on how to spend money it has appropriated. Congress first passes laws authorizing the executive branch to do certain things, and then we appropriate the money and go and do it. But unless Congress gives specific instructions as to where to spend the money—a process many people decry as congressional earmarks—the administration gets to decide where to spend the money. In other words, the bureaucracy does the earmark or President Obama does it.

I serve on the Armed Services Committee. We are staffed with experts in defending America. We have experts in missile defense, experts in lift capability, all of that. The way it has always happened before is the President—whether it was President Bush or Clinton or any other President—designs a budget, and that budget, the parameters, goes to Congress. Then we in the authorization committees decide if we agree with the President and how he wants to defend America.

A good example of that is that right before the prohibition on earmarks came in, the President sent his budget down—I think that was his first budget—and in that budget was $330 million for a launching system. It was called a Bucket of Rockets. It was a good system. It was something I would like to have for defending America. But when we analyzed it, we looked and we thought, with what is happening right now, our greatest need is to expand our F–18 program and buy six new F–18s. So we took the $330 million he would have spent on the rocket-launching system and spent it on six new F–18s, and it was a wise thing to do. You can't do that now because the President has to make all of the decisions because that would be called a congressional earmark.

Earmarks don't increase spending at all. All they do is say: All right, Mr. President, you go ahead and spend it the way you want to. A recent example of this comes from the Bureau of Land Management within the Department of the Interior.

While I could talk for hours about whether the management of Federal lands is appropriate for government to do, that is not what I want to bring your attention to. That is another discussion for another time. What I am concerned about is how carefully the Bureau of Land Management works to keep its actions aligned with the authorization and power it has been given by Congress. We write laws for a reason. We say the bureaucracy can do certain things and not do certain things. When we do that, we are limiting the bureaucracy and the bureaucracy's authority. We are not saying they can interpret the law in any way they choose, but generally that doesn't stop them from trying.

One thing the Bureau of Land Management is authorized to do by a statute is to enter into contracts and cooperative agreements to manage, protect, develop, and sell public lands. In managing public lands, title 43 authorizes the BLM to, among others things, preserve the land's historic value.

A few days ago, as I was searching through the government's grants database—by the way, this database is something we put in when Republicans were a majority in our committee. The Environment and Public Works Committee has a database which will show people, if they care to wander through, just what the bureaucracy is spending money on.

I was looking through the grants database, and I came across one that shocked me. On September 9 of this year, just a few days ago, the BLM announced its intent to award a grant of $214,000 to the Public Land Foundation to fund a research project to describe in detail why the Homestead Act of 1862 had a significant impact on the history of America. When I asked them to justify that, they started talking about how important history is.

Today, my question is this: What part of this grant has anything to do with today's actual public lands? This is not a grant to dust off the historic landmarks at national parks. This is a research project to study history, which may be a noble task, but nonetheless that is what it is for.

What the American people need to understand is that this sort of thing happens all the time. The bureaucracy is completely numb to the fact that we have a $1.5 trillion deficit just in this year alone, and while this should inform the way it spends money and help to prioritize accordingly, it doesn't. The bureaucracy takes the money given to it by Congress and spends it on porkbarrel projects that are important to the President. Right now, there is no way around this. There is no accountability or transparency built into it in any way. The bureaucracy earmarks its funds.

I believe this needs to be changed, and I am currently drafting legislation that will change the way the bureaucracy makes funding decisions. My legislation will bring true transparency and accountability to the process, and it will require the administration to state explicitly which laws authorize its grant awards. It will also provide a way for Congress to weigh in and challenge the administration's thinking. This is not just for the current administration; it is for any administration.

With trillions of dollars in deficits, we cannot afford to give the President another $447 billion to spend on whatever he wants because that is what it would be. We need to reduce spending, but we also need to ensure that the spending we are doing is justified by the laws Congress passes. Because of this, we need to bring more light and accountability to the bureaucratic earmarking process.

Further, I warn my colleagues to not be fooled into the idea that whenever we pass money off to the administration, it is in safe hands. The opposite is true, and I urge my colleagues to oppose more blank check stimulus spending because of it.

Again, after President Obama stated on February 17, 2009, there will be no earmarks in his $825 billion stimulus bill, it contained more than 100 very egregious, offensive earmarks. I could—again, I am not going to read off the list, but it will be a part of the RECORD following these remarks I am making now.

He will do it again. If we pass another $450 billion stimulus bill, we can be sure it will be full of earmarks as bad as the ones he put in the initial stimulus bill.

This is our second blank check for the President. He fooled us once. Do not let it happen again.

With that, I yield the floor.

EXHIBIT 1

BUREAUCRATIC EARMARKS IN THE STIMULUS BILL

102. Protecting a Michigan insect collection from other insects ($187,632)

101. Highway beautified by fish art in Washington ($10,000)

100. University studying hookup behavior of female college coeds in New York ($219,000)

99. Police department getting 92 blackberries for supervisors in Rhode Island ($95,000)

98. Upgrades to seldom-used river cruise boat in Oklahoma ($1.8 million)

97. Precast concrete toilet buildings for Mark Twain National Forest in Montana ($462,000)

96. University studying whether mice become disoriented when they consume alcohol in Florida ($8,408)

95. Foreign bus wheel polishers for California ($259,000)

94. Recovering crab pots lost at sea in Oregon ($700,000)

93. Developing a program to develop ''machine-generated humor'' in Illinois ($712,883)

92. Colorado museum where stimulus was signed (and already has $90 million in the bank) gets geothermal stimulus grant ($2.6 million)

91. Grant to the Maine Indian Basketmakers Alliance to support the traditional arts apprenticeship program, gathering and festival ($30,000)

90. Studying methamphetamines and the female rat sex drive in Maryland ($30,000)

89. Studying mating decisions of cactus bugs in Florida ($325,394)

88. Studying why deleting a gene can create sex reversal in people, but not in mice in Minnesota ($190,000)

87. College hires director for project on genetic control of sensory hair cell membrane channels in zebra fish in California ($327,337)

86. New jumbo recycling bins with microchips embedded inside to track participation in Ohio ($500,000)

85. Oregon Federal Building's ''green'' renovation at nearly the price of a brand new building ($133 million)

84. Massachusetts middle school getting money to build a solar array on its roof ($150,000)

83. Road widening that could have been millions of dollars cheaper if Louisiana hadn't opted to replace a bridge that may not have needed replacing ($60 million)

82. Cleanup effort of a Washington nuclear waste site that already got $12 billion from the Department of Energy ($1.9 billion)

81. Six woodlands water taxis getting a new home in Texas ($750,000)

80. Maryland group gets money to develop ''real life'' stories that underscore job and infrastructure-related research findings ($363,760)

79. Studying social networks, such as Facebook, in North Carolina ($498,000)

78. Eighteen (18) North Carolina teacher coaches to heighten math and reading performance ($4.4 million)

77. Retrofitting light switches with motion sensors for one company in Arizona ($800,000)

76. Removing graffiti along 100 miles of flood-control ditches in California ($837,000)

75. Bicycle lanes, shared lane signs and bike racks in Pennsylvania ($105,000)

74. Privately-owned steakhouse rehabilitating its restaurant space in Missouri ($75,000)

73. National dinner cruise boat company in Illinois outfitting vessels with surveillance systems to protect against terrorists ($1 million)

72. Producing and transporting peanuts and peanut butter in North Carolina ($900,000)

71. Refurnishing and delivering picnic tables in Iowa ($30,000)

70. Digital television converter box coupon program in D.C. ($650,000)

69. Elevating and relocating 3,000' of track for the Napa Valley Wine Train in California ($54 million)

68. Hosting events for Earth Day, the summer solstice, in Minnesota ($50,000)

67. Expanding ocean aquaculture in Hawaii ($99,960)

66. Raising railroad tracks 18 inches in Oregon because the residents of one small town were tired of taking a detour around them ($4.2 million)

65. Professors and employees of Iowa state universities voluntarily taking retirement ($43 million)

64. Minnesota theatre named after Che Guevara putting on ''socially conscious'' puppet shows ($25,000)

63. Replacing a basketball court lighting system with a more energy efficient one in Arizona ($20,000)

62. Repainting and adding a security camera to one bridge in Oregon ($3.5 million)

61. Missouri bridge project that already was full-funded with state money ($8 million)

60. New hospital parking garage in New York that will employ less people ($19.5 million)

59. University in North Carolina studying why adults with ADHD smoke more ($400,000)

58. Low-income housing residents in one Minnesota city receiving free laptops, WiFi and iPod Touches to ''educate'' them in technology ($5 million)

57. University in California sending students to Africa to study why Africans vote the way they do in their elections ($200,000)

56. Researching the impact of air pollution combined with a high-fat diet on obesity development in Ohio ($225,000)

55. Studying how make and female birds care for their offspring and how it compares to how humans care for their children in Oklahoma ($90,000)

54. University in Pennsylvania researching fossils in Argentina (over $1 million)

53. University in Tennessee studying how black holes form (over $1 million)

52. University in Oklahoma sending 3 researchers to Alaska to study grandparents and how they pass on knowledge to younger generations ($1.5 million)

51. Grant application from a Pennsylvania university for a researcher named in the Climate-gate scandal (Rep. Darrell Issa is calling on the president to freeze the grant) ($500,000)

50. Studying the impact of global warming on wild flowers in a Colorado ghost town ($500,000)

49. Bridge build over railroad crossing so 168 Nebraska town residents don't have to wait for the trains to pass ($7 million)

48. Renovating an old hotel into a visitors center in Kentucky ($300,000)

47. Removing overgrown weeds in a Rhode Island park ($250,000)

46. Renovating 5 seldom-used ports of entry on the U.S.-Canada border in Montana ($77 million)

45. Testing how to control private home appliances in Martha's Vineyard, Massachusetts from an off-site computer ($800,000)

44. Repainting a rarely-used bridge in North Carolina ($3.1 million)

43. Renovating a desolate Wisconsin bridge that averages 10 cars a day ($426,000)

42. Four new buses for New Hampshire ($2 million)

41. Re-paving a 1-mile stretch of Atlanta road that had parts of it already re-paved in 2007 ($490,000)

40. Florida beauty school tuition ($2.3 million)

39. Extending a bike path to the Minnesota Twins stadium ($500,000)

38. Beautification of Los Angeles' Sunset Boulevard ($1.1 million)

37. Colorado Dragon Boat Festival ($10,000)

36. Developing the next generation of supersonic corporate jets in Maryland that could cost $80 million each ($4.7 million)

35. New spring training facilities for the Arizona Diamondbacks and Colorado Rockies ($30 million)

34. Demolishing 35 old laboratories in New Mexico ($212 million)

33. Putting free WiFi, Internet kiosks and interactive history lessons in 2 Texas rest stops ($13.8 million)

32. Replacing a single boat motor in a government boat in D.C. ($10,500)

31. Developing the next generation of football gloves in Pennsylvania ($150,000)

30. Pedestrian bridge to nowhere in West Virginia ($80,000)
29. Replacing all signage on 5 miles of road in Rhode Island ($4,403,205)
28. Installing a geothermal energy system to heat the ''incredible shrinking mall'' in Tennessee ($5 million)
27. University in Minnesota studying how to get the homeless to stop smoking ($230,000)
26. Large woody habitat rehabilitation project in Wisconsin ($16,800)
25. Replacing escalators in the parking garage of one D.C. Metro station ($4.3 million)
24. Building an airstrip in a community most Alaskans have never even heard of ($14,707,949)
23. Bike and pedestrian paths connecting Camden, N.J. to Philadelphia,
Pennsylvania, when there's already a bridge that connects them ($23 million)
22. Sending 10 university undergrads each year from North Carolina to Costa Rica to study rain forests ($564,000)
21. Road signs touting stimulus funds at work in Ohio ($1 million)
20. Researching how paying attention improves performance of difficult tasks in Connecticut ($850,000)
19. Kentucky Transportation Department awarding contracts to companies associated with a road contractor accused of bribing the previous state transportation secretary ($24 million)
18. Amtrak losing $32 per passenger nationally, but rewarded with windfall ($1.3 billion)
17. Widening an Arizona interstate even though the company that won the contract has a history of tax fraud and pollution ($21.8 million)
16. Replace existing dumbwaiters in New York ($351,807)
15. Deer underpass in Wyoming ($1,239,693)
14. Arizona universities examining the division of labor in ant colonies (combined $950,000)
13. Fire station without firefighters in Nevada ($2 million)
12. ''Clown'' theatrical production in Pennsylvania ($25,000)
11. Maryland town gets money but doesn't know what to do with it ($25,000)
10. Investing in nation-wide wind power (but majority of money has gone to foreign companies) ($2 billion)
9. Resurfacing a tennis court in Montana ($50,000)
8. University in Indiana studying why young men do not like to wear condoms ($221,355)
7. Funds for Massachusetts roadway construction to companies that have defrauded taxpayers, polluted the environment and have paid tens of thousands of dollars in fines for violating workplace safety laws (millions)
6. Sending 11 students and 4 teachers from an Arkansas university to the United Nations climate change convention in Copenhagen, using almost 54,000 pounds of carbon dioxide from air travel alone ($50,000)
5. Storytelling festival in Utah ($15,000)
4. Door mats to the Department of the Army in Texas ($14,675)
3. University of New York researching young adults who drink malt liquor and smoke pot ($389,357)
2. Solar panels for climbing gym in Colorado ($157,800)
1. Grant for one Massachusetts university for ''robobees'' (miniature flying robot bees) ($2 million)

Grand Total: $4,891,645,229

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, the so-called supercommittee created by the Budget Control Act has begun their work. It is mandated to produce a plan by November 23 that will reduce future deficits by at least $1.5 trillion. As chair of the Health, Education, Labor, and Pensions Committee, I have been invited to submit recommendations to the supercommittee, and I will do so in the days ahead.

Certainly, I wish this group well. However, it is critically important we define success in terms that matter to working Americans. Frankly, I am deeply disturbed by the Washington groupthink that defines success narrowly in terms of maximizing deficit reduction. I have come to the floor to urge members of the supercommittee to embrace a broader and more powerful definition of success. Success must include boosting the economy and creating jobs.

After all, the most effective way to reduce the deficit is to help 25 million unemployed and underemployed Americans find jobs and become taxpayers once again. There can be no sustained deficit reduction without a recovery of the economy and a return to normal levels of employment. Indeed, just yesterday, the Congressional Budget Office released an analysis showing that if our economy were not in recession—if our economy were not in recession—if it were employing labor and capital at normal levels, the deficit would be reduced next year by an estimated $343 billion—a reduction of one-third of the deficit in 1 year if we just had normal employment.

So I have a simple but urgent message to the supercommittee: Go big on jobs. That message would be strongly seconded by people such as Connie Smith of Tama, IA. In January, she was laid off after working 27 years for the same telecom company. Since being laid off, she has been working as a contractor doing the same type of work for less pay and no benefits.

Jean Whitt would also agree. She was laid off in 2008 and is now a student at Iowa Western Community College, striving for a new career in nursing. She is hoping good jobs will be available when she graduates.

As I said, inside the Washington bubble, our leaders have persuaded themselves that the No. 1 issue confronting America is the budget deficit. I assure everyone that ordinary Americans are focused on a far more urgent deficit: the jobs deficit.

But I am also concerned about a third deficit: the deficit of imagination and vision in Washington today. I am dismayed by our failure to confront the current economic crisis with the boldness earlier generations of Americans summoned in times of national challenge.

Let's be clear about the staggering scale of today's challenge. Our Nation remains mired in the most severe period of joblessness since the Great Depression. As I said, some 25 million Americans are desperate to find full-time employment. According to new data from the Census Bureau, the poverty rate has risen to 15 percent—the highest level in 18 years. Twenty percent of American children are being raised in poverty—one out of every five kids in America.

Last week, the Chairman of the Federal Reserve, Mr. Ben Bernanke, said unemployment is a ''national crisis.'' Very true, Mr. Bernanke. It is a national crisis. It is far and away the No. 1 concern of the American people. That is why an exclusive, single-minded obsession—obsession—with slashing spending and reducing the deficit is not just misguided, it is counterproductive. If the supercommittee cuts the deficit by $1.5 trillion and does nothing to create jobs, this would amount to a massive dose of antistimulus. It will further drain demand from the economy and destroy even more jobs. That, in turn, will make the deficit worse, not better. It is the equivalent of applying leeches to a patient who needs a transfusion.

We must stop this mindless march to austerity. Smart countries, when they have these kinds of challenges, do not just turn a chainsaw on themselves. Instead of the current slash-and-burn approach, which is being sold through fear and fatalism, we need an approach that reflects the hopes and aspirations of the American people.

To be sure, we must agree on necessary spending cuts and tax increases. But we must continue to invest in what will spur economic growth, create jobs, and strengthen the middle class, knowing this is the only sustainable way to bring deficits under control.

Again, I say to the supercommittee: If you are serious about reducing the deficit, you must put job creation front and center in your deliberations and agenda, not just slashing and cutting government spending to reduce the deficit.

I do not want to be misunderstood. My preference, of course, is always to reduce the deficit. I know that. As a senior member of the Appropriations Committee, I appreciate that we must seize every opportunity to prudently—prudently—reduce Federal spending. There are opportunities, including in the Pentagon, to reduce Federal spending while minimizing further damage to the economy and jobs.

However, I believe we must be equally willing to say no—no—to foolish, destructive budget cuts. Most important, as I have said, the supercommittee must broaden its focus to include a sharp emphasis on creating jobs and boosting the economy.

That is why I was very pleased by the plan presented by President Obama: the American Jobs Act. As the President said in his speech to Congress, the American Jobs Act boils down to two things: putting people back to work and more money in the pockets of working Americans.

Most importantly, in my book, the American Jobs Act would dramatically ramp up investments in infrastructure

in order to boost U.S. competitiveness and directly create millions of new jobs.

Specifically, the American Jobs Act includes $30 billion to renovate some 35,000 schools and community colleges nationwide. This would create hundreds of thousands of new jobs, especially in the hard-hit construction industry.

The legislation—the President's bill—provides $30 billion to help local school districts hire and retain teachers. This new fund would save or create nearly 400,000 education jobs.

In addition, the American Jobs Act includes $50 billion for immediate investment in our transportation infrastructure. Again, this will dramatically boost employment, while modernizing the arteries and veins of our commerce.

Now people say: How are we going to pay for all this and these other investments, keeping our teachers in the classroom, renovating the infrastructure? How are we going to pay for all this to get our economy back on track?

For the answer, we again need to listen to the American people. I received a heartfelt message from Dan Carver, a fifth-grade teacher in Carlisle, IA. He says he is struggling similar to other middle-class Americans to pay his bills and his taxes and he does not understand why corporations and the very wealthy are not also paying their fair share.

In poll after poll after poll, by 2-to-1 margins—2-to-1 margins—Americans want an approach that includes tax increases on those who can most afford it, those whose incomes have skyrocketed in recent years, even as middle-class incomes have fallen, those who have benefited the most from tax breaks initiated during the Bush administration. By a 2-to-1 margin—this should be a no-brainer for people elected to Congress. Read the polls. That is what people want done.

We see all those people up on Wall Street. It is now spreading to Washington. There is even an event planned for Mason City, IA, this weekend by a lot of young people, saying: Look, we have to raise revenue. We can't just slash and cut back and retreat. We need to raise revenue and charge forward.

We would be foolish to ignore the voices of working Americans from all walks of life. For more than a decade now, these good citizens have been told that tax breaks for the wealthy will result in millions of new jobs and a booming economy. That is what they have been told. They were told wealthy Americans are so-called job creators, and if we just shove enough tax breaks their way, jobs will magically bloom.

Frankly, this is the same old theory of trickle-down economics, and it manifestly has never worked. For ordinary Americans, the only things that have trickled down are wage cuts, mass unemployment, upside-down mortgages, personal bankruptcies, and disappearing pensions.

Instead of this failed trickle-down economics for the rich, it is time for percolate-up economics for middle-class Americans. We have a saying for this out in the Midwest, and I have heard it many times: You do not fertilize a tree from the top down. You have to put it in at the roots.

It is time to invest directly in jobs by renovating our crumbling infrastructure, rebuilding our schools, putting laid-off teachers back to work. By all means, it is time to ask those who have benefited the most from our economy to pay more—yes, to pay more—to help finance these urgent investments. Because these are the kinds of things individuals cannot do on their own. An individual cannot rebuild a highway or a school. An individual cannot retrofit a building. An individual cannot build new energy efficiency systems. But we can do this acting together. That is why it is time to ask those who have benefited the most from our economy to pay some more.

I close by reiterating that we need to pursue a path that, first and foremost, right now, focuses on job creation; in the longer term, focuses on deficit reduction. After we get the economy going and get people back to work and being taxpayers again, then we can reduce the deficit. As the report showed this week, if we were to just have normal employment levels, we would reduce the deficit by $343 billion.

So I say again to the supercommittee: Do not just focus on slashing, cutting, and retreating.

Focus on raising revenue and charging ahead, investing in education, innovation, infrastructure. It means a level playing field with fair taxation—fair taxation—and a strong ladder of opportunity to give every American access to the middle class. It is time to put America back to work. It is time to change the tenor of the debate. It is time to get away from this groupthink in Washington; that if only, if only we would just cut more government spending, somehow magically people will go back to work. It is not going to happen. Only in your dreams.

It will only happen if we are bold enough, as our forefathers and people before us were bold enough, to raise the necessary revenue to put this country back to work. That should be the first charge of this supercommittee.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I very much thank Senator HARKIN, the chairman of the HELP Committee, for his advocacy always for the middle class, advocacy always for those who aspire to the middle class, and especially the jobs bill. I particularly appreciate his comments about school construction. That is a major component of the jobs bill.

My State has gone through a pretty good period under Governor Taft, who is not in the same political party as I am but he is a friend of mine who launched a program 10 years or so ago in Ohio to begin to replace—to give incentives to local governments, local school districts, to vote bond issues where there was a lot of State matching funds that built a lot of new schools but nothing close to what we need yet with all of the progress we made.

We tell our children that education is the most important thing in their lives and our lives and our country, and then we send them to lousy, decaying, falling-apart school buildings. I do not think that quite clicks in kids' minds. So the school construction part of this bill, first of all, puts construction workers to work in their high-unemployment rates, as Senator HARKIN said. Second, it puts steelworkers and cement workers and concrete workers and people who are making the products—the glass makers, the glass companies, and all manufacturers—to work for the materials. Third, it sets the foundation by building community colleges and rebuilding school buildings and all of that, putting people to work for long-term economic growth and prosperity.

We know for a fact the United States, in the 1950s, 1960s, and 1970s, created an infrastructure the likes of which the world had never seen. That is the foundation for our prosperity. Unfortunately, in the last 20 years we have let that infrastructure crumble. We let that infrastructure decay. When I look at these young pages here, 15, 16, 17, 18 years old, I do not want them to inherit a huge budget deficit, but I also do not want them to inherit a huge education deficit, an infrastructure deficit. We owe that to that generation to do much better than we have.

I thank Senator HARKIN and yield to him.

Mr. HARKIN. Well, I thank the Senator very much. I thank the Senator from Ohio, a great friend and a great supporter of working Americans. I would just say that the bill that Senator BROWN has been championing is now leading the charge on the China currency bill, and I think it is one of the important steps forward in making sure we start creating jobs for Americans.

How can we create jobs for Americans when we have a Chinese currency that is underpinning their exports to America, undercutting our jobs in this country? So this is a big step forward. I hope we can get cloture. I hope we can move forward on the bill. So I thank the Senator from Ohio for his steadfastness on making sure we got the bill to the floor, and I hope we get the votes to pass it.

Again, we can focus on the jobs in this country, but if we are just going to continue to allow China to undercut us in just every possible way through manipulating their currency so they can undercut us by 20 or 25 percent on a lot of goods that come into this country, how are we going to manufacture those things?

Mr. BROWN of Ohio. We are joined in the Chamber by two of the sponsors of this bill: the Presiding Officer, Senator WHITEHOUSE, and Senator CASEY from Pennsylvania.

The Senator said something earlier about the supercommittee and deficit reduction, and what he said is exactly right. Many in this institution and down the hall in the House of Representatives do not seem to understand that we cannot only cut our way to prosperity, we have to grow our way to a more balanced budget and prosperity.

One of the things this China currency bill will do is, it is estimated by the Economic Policy Institute that over 10 years it will cut the deficit $600 billion to $800 billion. Why is that? Because of job growth, because this bill provides—according to the Economic Policy Institute study, it creates more than 2 million jobs. That is 2 million people, instead of receiving unemployment benefits, instead of being eligible for food stamps, instead of other kinds of things we do for people who are out of work, it will mean those 2 million people will actually be working, many of them in manufacturing. Those are $12-, $15-, $20-an-hour jobs. They will be paying taxes. They will be paying into Social Security, into Medicare, into local retirement systems—all of that—paying property taxes for the schools, doing all of the things that employed, hard-working taxpayers do.

So it is a win in that situation too. So while we need to focus on the President's jobs bill, this is one that makes so much sense, and that is why we need to move forward.

Mr. HARKIN. The Senator from Ohio clearly understands percolate-up economics. I appreciate that very much. I thank the Senator from Ohio for his leadership.

Mr. BROWN of Ohio. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CASEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. CASEY. Mr. President, I rise just for a few moments to make a few comments regarding the pending legislation that deals with the currency policies that China has had in place which have proven to be adverse to American workers. I was saying on the floor yesterday, and I will say it again, that this is not a complicated issue. When China does not play by the rules, when they cheat on the international stage on their currency policies, Americans lose jobs.

We have lost far too many of them for us to just sit back and do nothing or sit back and just discuss and urge and plead instead of taking action. But what I failed to do yesterday was put a couple of basic numbers on the table. I mentioned in some of my comments yesterday that we had a hearing in the Joint Economic Committee, which for those who are not as familiar with the workings of that committee, it is a House-Senate joint committee where we have Senators and House Members, obviously, from both parties meeting and participating in hearings on a whole range of topics, most of them dealing with the economy and jobs.

Yesterday, we had the Federal Reserve Chairman, Ben Bernanke, who testified broadly about a lot of issues. But I asked him about currency, and one of the things he said—I thought this was a pretty significant statement. I am just reading something Chairman Bernanke said in pertinent part. This is not, obviously, a full statement. But when I asked him about currency, China currency and their policy, he said:

> I think right now, a concern is that the Chinese currency policy is blocking what might be a more normal recovery process in the global economy. The Chinese currency policy is blocking that process.

I should add here, ''process'' meaning the recovery. Then he goes on to say:

> So it is to some extent hurting the recovery process.

That is the Chairman of the Federal Reserve, someone whose job it is not to comment on public policy on a regular basis necessarily or to take positions on one side or the other on public policy; but the fact that he made that statement, which made it abundantly clear that this is not simply a problem for our workers when we lose jobs, when we hemorrhage the jobs we have lost, but this currency policy that China has in place is an impediment to the recovery, the economic recovery of the world.

So I thought it was a critically important statement that he made as further evidence that this bill we are working on is the right way to go. I do not want to imply that he endorsed the bill; he did not. But I thought it was interesting that he focused on the economic recovery worldwide and not only on the adverse consequences for our workers, our companies, our jobs.

Two other notes, and then I will sit down. One is the impact in a State such as Pennsylvania. I have the privilege to represent the people of Pennsylvania. So I want to make sure the record is clear in terms of what China's policies, both on currency, and more broadly on trade, have meant in the context of Pennsylvania workers.

A report released just recently by the Economic Policy Institute—and we hear the so-called EPI quoted a lot—estimates that from the year 2001 through 2010 our trade deficit with China has led to the loss of 106,970 jobs in Pennsylvania, almost 2 percent of total employment in Pennsylvania.

Across the Nation, the same trade deficit has led to a loss of 2.8 million jobs since 2001. Basically, you are talking about less than a decade. Because of the trade deficit with China, we lost 2.8 million jobs nationally, and a little shy of 107,000 jobs in one State—the State of Pennsylvania.

Some would say, well, you should be careful how you say that because we are not saying that the currency policy they have in place—which I assert is cheating—that the job loss could be attributed to that solely. I am not saying that. But there is no question—and I think the record is replete with evidence and examples—that much of that job loss can be attributed to their currency policies, as well as other policies they have in place. I will not even get into the infringement on copyright and intellectual property, and the whole range of other issues where we have disagreements with other policies emanating from China.

Two more points, finally, about EPI. The Economic Policy Institute did an analysis, and they released the report on June 17, 2011. They wanted to make a determination that if China were to revalue its currency and play by the rules, to the extent of a 28-percent level—and some people think the manipulation they are doing amounts to more than 28 percent—but if they are able to revalue their currency up to that level, what would happen? Here is what EPI found:

> If only China revalued to 28.5 percent, the growth in U.S. gross domestic product would support 1.631 million U.S. jobs. If other Asian countries also revalued [at that level, 28.5 percent] then 2.250 million U.S. jobs would be created.

I mentioned the study yesterday. I said: What if their estimates are off? What if, for some reason, you had to scale down that estimate? Well, if 1.6 million jobs—if they are off by even a lot, that is still a big job number. If you add the other Asian countries that are impacted by the policies in China, you are over 2.2 million jobs. Even if that is off, it is still a lot of jobs.

This is a jobs bill. We talk about creating new consequences for China cheating on currency. This is a job creator if we do it—if we can pass the bill and implement the policy. We can create a lot of jobs over the next several years at the same time. This has an impact on job creation and, ultimately, on GDP.

I know that when I go back to Pennsylvania, people will say to me: Let me get this straight: You have a bill that deals with getting tougher on China, relating to their currency policy; you have bipartisan support in the Senate, and it is a job-creating bill. Why won't this pass, and why don't you have this enacted into law?

I believe we have a lot of momentum for passage. I hope the bipartisan support we have on the Republican side of the aisle, with a number of Democrats, will result in passage of this legislation, especially when you put it in the context of two points I made—one, the job impact or the job loss that has resulted from China cheating on its currency policy over all these years; secondly, when you put it into the context

of not just our economy but the world economy—when we have the Chairman of the Federal Reserve saying their policy on currency is impeding—well, I will read what he said:

. . . the Chinese currency policy is blocking what might be a more normal recovery process in the global economy. . . .

Blocking recovery in the global economy. That is compelling testimony for anyone who cares about and is concerned about creating jobs here, strengthening our recovery and, obviously, helping the recovery worldwide. I think the evidence is overwhelming. The support for this legislation is as broad based as any I have seen for any bill I have ever considered in the almost 5 years I have been in the Senate.

We need to finish this debate this week and get a vote. I hope we will continue to have an overwhelming vote that reflects the overwhelming support across the United States.

Mr. COONS. Mr. President, I rise to speak about two amendments I filed today to help protect American intellectual property from theft abroad. If we are serious about leveling the playing field with countries like China, then protecting U.S. intellectual property from theft has to be a part of it.

This summer I went up and down our State meeting with business leaders and asking them about what we need to do in Washington to help them create jobs. Though currency manipulation came up from time to time, it paled in comparison to the fear our innovative business owners had about intellectual property theft.

When foreign companies and governments steal our ideas, they are stealing more than just formulas and schematics—they are stealing jobs. These two amendments are about giving America the tools to fight back.

I introduced my first amendment with my colleague on the Judiciary Committee, Senator KOHL. It provides a Federal private right of action for victims of trade secret theft. Trade secrets are a critical form of intellectual property, particularly among manufacturers, and when they are stolen, it can result in catastrophic damage to American companies and their employees.

After the Korean company, Kolon, was found to have stolen the trade secrets behind DuPont's next generation Kevlar fiber, a jury last month found that DuPont had suffered a staggering $919 million in damages.

Trade secrets are a critical part of the American economy. Yet they are the only form of intellectual property without a Federal cause of action. Our amendment would fix that and provide U.S. victims of trade-secret theft access to the same service of process, same ability to keep sensitive documents secret, and the same uniformity of substantive law available to other intellectual property victims.

My second amendment, which I introduced with my colleague Senator GRASSLEY, the distinguished ranking member of the Judiciary Committee, fixes a simple problem, but one that vexes an array of companies that I hear from regularly.

Under current law, when Customs and Border Patrol agents intercept a shipment that they suspect contains counterfeit or trademark-infringing goods, there are prevented from properly investigating the shipment because they cannot share product samples or UPC codes with the intellectual property holder.

That is ridiculous. Why are we tying the hands of our agents and preventing American businesses from sticking up for themselves? Worse, it means that shipments of counterfeit goods are being let into this country even when Customs agents have reason to believe they might be counterfeit. And it is not just toys, clothes and electronics that we are talking about; it is prescription drugs and medical technologies.

We are abetting the trade imbalance that is stifling the American economy by allowing this gaping hole to continue to exist. In come cheap counterfeit goods, and out go American jobs.

Our amendment would close this gaping hole in our economic security by allowing Customs and Border Patrol agents to share the information that they need to identify counterfeit goods, stop these illicit shipments, and protect American jobs.

The time has come to get serious about the threats posed to our health and workforce by foreign intellectual property thieves.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CASEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SYRIA

Mr. CASEY. We have been dealing with an issue that relates to China's currency policies. I know that has been the pending business, but I have been wanting to address another issue for a number of days now and I am grateful for this opportunity. It is an issue that a number of people here in both parties are very concerned about. It relates to Syria.

I rise to talk about the situation in Syria, which is a place of ever increasing violence, and this violence has taken the lives of more than 2,600 Syrians.

I spoke a number of months ago at a hearing about a Pennsylvanian. His name is Hazem Hallek, a doctor who lives outside of Philadelphia in a suburban community. His brother Sakher lived in Syria and visited the United States for a medical conference earlier this year. Upon his return to Syria, demonstrations against the Assad regime were beginning to intensify. Sakher was not engaged in politics, nor did he want to be engaged in politics. But despite this, he went missing and was soon found dead in a ditch in a village south of the town of Aleppo. Sakher was subjected to unspeakable torture before he was killed. His visit to the United States was enough for the Assad regime to target him for death. So his brother, a constituent of mine, Hazem, has asked me to do everything I can to support democratic change in Syria and to protect civilians who continue to be hunted down by this brutal regime.

I believe—and I know this is a broad-based point of view in this Chamber—Democrats and Republicans alike believe that now, more than ever, it is critical that the international community, led by the United States—and the United States has done a lot already but needs to do more—show support for the Syrian people who continue to live under this dictatorship. The Syrian people, especially the democracy and human rights activists, feel defenseless against the tanks, guns, and the bullets of the Assad regime.

The United Nations Human Rights Council passed an important resolution which called for the deployment of three human rights monitors to bear witness to the terrible crimes in Syria. I was very disappointed, and I know others were as well, but unfortunately we weren't surprised to see that Russia and China vetoed a U.N. Security Council Resolution just last night. This resolution had been watered down so much that observers had taken to calling it the so-called monsoon resolution. Yet the Russians and the Chinese still refused to recognize the terrible actions of the Assad regime and show support for the embattled people of Syria.

I am an original cosponsor of Senate Resolution 180, which was introduced in May. This resolution expresses support for the peaceful demonstrations and universal freedoms in Syria and condemns the human rights violations perpetrated by the Assad regime. This bipartisan resolution has 25 cosponsors, but it has been held up by one Senator who will not let us pass through by unanimous consent—the language we use around here for letting legislation pass without a rollcall vote, so-called unanimous consent—one Senator, holding up a resolution to show our solidarity with and support for the Syrian people who have been living through the most horrific of nightmares, torture, killing, and abuse, for all these months.

There is a lot we can do and that we should do. There is also a lot we should be debating here in the Senate. But I can't understand, on an issue of such importance, how we cannot come to consensus on something this basic, to

show fundamental solidarity with the people of Syria, especially at this hour. We cannot let another day pass without the Senate expressing its outrage over the behavior of the Assad regime. It is not enough just to condemn it in words. It is very important the Senate go on record to pass this resolution.

I have spoken in the past very highly of Ambassador Ford and his team in Damascus; he is our Ambassador from the United States to Syria, and I was proud to support his nomination. Instead of conferring legitimacy on Mr. Assad and his regime, Ambassador Ford is the most high-profile opponent of the Assad regime, sending out regular condemnations through press releases and Facebook postings. But what has been even more impressive is the personal courage demonstrated on an almost daily basis that Ambassador Ford and his staff have demonstrated in traveling throughout the country and engaging directly with the democratic opposition in Syria.

Last week, Ambassador Ford met with the leader of the opposition national democratic gathering in Damascus. Ambassador Ford's vehicles were attacked, and he was forced to stay inside the building until security forces arrived 3 hours later to escort him from the premises.

He has attended the funerals of human rights activists, observed the aftermath of government massacres, and engaged directly with the people of Syria. He will say that he is just doing his job, like good soldiers say often when we commend them for their valor and bravery and service. But I am glad the Senate finally did its job last night in confirming Ambassador Ford. Long overdue, by the way, but it was finally done.

Ambassador Ford serves as a shining example of the best our Foreign Service has to offer to the world. Countries that have representatives remaining in Damascus should join Ambassador Ford on his visits with opposition figures and human rights activists around the country. He should not be the only one who bears witness to this horror. Other diplomats should join him on his travels throughout Syria.

We have seen some positive developments among other countries in the international community. I want to acknowledge the increasingly positive role played by Turkey, which is reportedly considering sanctions against Syria. Turkey is Syria's largest trading partner, and sanctions could have a serious impact in Damascus. Turkey has also provided safe haven in border camps for more than 7,000 refugees who have fled from Syria to Turkey. Turkey's concrete support for the Syrian people, combined with ongoing diplomatic pressure, is a critical element in isolating the Syrian regime.

We know some of the history here, and it is a history of a lot of horror and death. Twenty-nine years ago, Bashir al-Assad's father unleashed the government's security forces on the community of Hama to repress unrest in that city. The killing that took place in February of 1982 was both indiscriminate and massive in its scale. Some estimate that more than 10,000 Syrians were killed as security forces literally razed the city. Thomas Friedman, the New York Times columnist, dedicated a chapter entitled ''Hama Rules'' in his book, ''From Beirut to Jerusalem,'' to the horror seen in this town in 1982. Assad's Hama rules were meant to send a chilling effect to all who would dare to question the authority of that Assad regime.

Bashar al-Assad has proven today, and certainly over the last several months, if not years, that he is incapable of reform.

When faced with the democratic movement inspired by the wave of change sweeping across the region, the younger Assad responded with his own 2011 version of Hama rules. As the world watched, as I said before, over 2,600 Syrians have been killed in a number of communities. Whether it is in Hama, or Homs, Rastan, Talbiseh, and several other towns across the country, Assad's rules seem to be focused on the use of militias that have been deployed most recently in Rastan to conduct the most repressive operations that we can think of. These gangs receive informal support from the Syrian security services and have been implicated in Syria's crimes and atrocities. The Syrian people have asked for international monitors to be deployed in the country in order to bear witness and perhaps to provide a deterrent against the wrath of these militias.

In the intervening 29 years since the massacre at Hama, Syria has changed indeed. The Syrian people have shown that they will not be cowed by violence. The opposition has made remarkable progress. Hama rules no longer work in Syria. The opposition has stood up and voted with its feet, every Friday turning out to demonstrate and face the wrath, the terrible, deadly wrath of this regime. Moreover, scores of security forces have abandoned the regime and have come to the side of the opposition, something that did not happen in 1982 when the elder Assad brutally applied his Hama rules.

In recent weeks we have seen emerge elements among the opposition who have resorted to violence. One cannot blame the Syrian people for defending themselves in the face of unspeakable violence. But I do hope, though, that the aspirations of the Syrian people can be met through a commitment to nonviolence, as difficult as that is, and an understanding that democratic change comes not from the barrel of a gun, as we have often said on this floor, but the desire of all citizens to chart a new course, the course of peace.

In summary, the international community can do more to support the Syrian people during this darkest of hours starting right here in this Chamber, in the Senate. This week we sent a strong message in confirming Ambassador Ford. Today we can pass a resolution denouncing the behavior of the Syrian regime. More importantly, the international community can and should do more. Here are some of the measures I believe should take place in the coming days and weeks.

No. 1, the United Nations has proven to not be the best international institution to address the strife in Syria, but key regional organizations could have a positive and substantial impact moving forward. The Arab League should suspend Syria's membership and call for President Assad to step down. The Gulf Cooperation Council should explicitly say that President Assad is no longer the legitimate leader of the country.

No. 2, concerned countries in the West should work together with the Arab League and the Gulf Cooperation Council countries to establish an international Friends of the Syrian People as a contact group for the region which can serve as the main point of contact for the democratic opposition and the Syrian people. Participation in such a group would not necessarily limit the options of individual members and would not preclude bilateral efforts to take separate action in support of the Syrian people. It would, however, send a clear message of international solidarity in support of nonviolent change in Syria.

No. 3, the Syrian people have asked that international humanitarian observers be deployed in the country to monitor the situation and perhaps to serve as a deterrent against violence in the country. Similar to the OSCE human rights monitors deployed to Kosovo in 1998 to bear witness to the violence wrought by the Milosevic regime, this international team of monitors, primarily composed of individuals from the Arab League and the Gulf Cooperation Council, could address a central concern of the Syrian people and would be a welcome alternative to military intervention from the outside.

No. 4, finally, key countries in the international community need to cut off commercial ties with the Assad regime. The United States has done its part, as has the European Union. Turkey may announce new sanctions. But many countries continue to conduct business as usual with the Assad regime. For example, there are reports that India is considering the purchase of crude oil from Syria. The timing of such a purchase is ill-advised and we hope India can look to identify other sources of energy in the region, especially at this time.

The stakes have been raised in Syria as never before. The opposition is understandably tired and to some extent beaten down, and there is some despair that is starting to set in among the abused population of the country. At this critical time, the newly constituted Syrian National Council needs

to show the Syrian people that it can deliver results in the international community. The establishment of a Friends of the Syrian People group, a contact group as I said before, and the deployment of international humanitarian monitors, would demonstrate that the Syrian National Council is effective, and it would send a critical message to the Syrian people. Our options to leverage change in Syria are limited but they do exist. We should be making every effort to build increased international pressure on and isolation of the Assad regime.

Mr. HALLEK and his family and thousands of other families across Syria have suffered enough. They have suffered so much and they deserve nothing less than our support, our solidarity, and our help in this dark hour.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we move to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DANIEL NICHOLS

Mr. REID. Mr. President, today I rise to recognize the extraordinary work of Daniel Nichols who served the U.S. Capitol Police with great distinction for 28 years.

Chief Nichols entered duty with the U.S. Capitol Police in 1983. After training, his first duty assignment was providing security and law enforcement at the U.S. Capitol, and in 1984, he was transferred to street patrol duties within the Capitol Complex and the adjoining neighbourhoods.

In 1986, Chief Nichols was appointed as the first dedicated public information officer for the department. As spokesperson, he managed all media interaction during events and incidents occurring within the Capitol Complex. Most notably, he represented the U.S. Capitol Police with great poise and unwavering calmness during key events that attracted intense, widespread media attention including the 1998 shooting at the Capitol that claimed the lives of two police officers; the terrorist attacks of September 11, 2001, and the 2001 anthrax attack against Congress.

In 2002, after being promoted to lieutenant, Chief Nichols was given command of the canine section. His accomplishments include expanding the training program, increasing the number of explosive detection teams to 43, reintroducing the street police service dog program, and creating a K–9 search and rescue team to locate victims of building collapses. In addition, he overhauled the concept of operations for the Off-Site Delivery Center. He also created the department's first horse mounted unit.

In August of 2004, he was promoted to captain and named chairman of the 2005 U.S. Capitol Police Inaugural Task Force. As such, then Captain Nichols managed the overall planning, coordination, logistics, and execution of the U.S. Capitol Police responsibility for the 2005 swearing-in ceremony. This task was particularly challenging due to the fact that this was the first inauguration to take place in a post 9/11 threat environment. He worked closely with the Joint Congressional Committee on Inaugural Ceremonies, the Capitol Police Board, and multiple law enforcement and public safety agencies to ensure the safety and security of the Nation's leaders and the public. While serving as chairman, Chief Nichols was promoted to the rank of inspector.

In February 2005, Chief Nichols assumed command of the House division and led a team of over 400 police officers who provided law enforcement and security operations at the House office buildings, the Capitol Powerplant and the House Page Dorm. In 2006, he was transferred to the Capitol division where he managed over 450 police personnel who perform various security, law enforcement, and emergency response duties to protect the Capitol, the Capitol Visitors Center, and the House and Senate Chambers and leadership offices.

In January 2007, Chief Nichols became the assistant chief of police and served as the chief of operations, providing great leadership to the department. Chief Nichols provided operational support to the department, responsible for the Uniformed, Operations, Protective, and Security Services Bureaus; overseeing the Office of Plans, Operations, and Homeland Security and serving as acting chief when the chief of police was unavailable.

Chief Nichols is recognized as an accomplished leader who builds effective teams, has strong communication skills, and uses innovative approaches to improve the protection of the Capitol, the congressional community, and visitors. He also works to develop the skills and capabilities of the department's personnel and was a key proponent of sending managers and officers to the Police Executive Leadership Program. A native of Fort Washington, MD, Chief Nichols holds a bachelor's and master's degree in management from the Johns Hopkins University.

Chief Nichols is a notable member of the law enforcement community and a fine citizen. On behalf of the U.S. Senate, I congratulate him on his retirement and salute his distinguished career.

RECOGNIZING THE ARSHT FAMILY

Mr. CARPER. Mr. President, on behalf of Senator CHRIS COONS, Congressman JOHN CARNEY, and myself, we remember today the lives and lasting gifts of late Delawareans, the Honorable Roxana Cannon Arsht and her husband S. Samuel Arsht, and we recognize as well the extraordinary philanthropy of their daughter, Ms. Adrienne Arsht. As role models of integrity and giving, the Arsht family has served and enriched the lives of Delawareans for decades.

Like many American families, Roxana Cannon's and Samuel Arsht's parents immigrated to the United States from Russia a century ago, seeking survival and a better life. In this land of opportunity, they worked hard, they valued education, and set high standards for themselves—standards which they met and ultimately exceeded.

Samuel Arsht was a 1931 graduate of the University of Pennsylvania Wharton School and a 1934 graduate of the University's law school. Upon graduation, Sam joined the firm that later became Morris, Nichols, Arsht & Tunnell in Wilmington, DE. Over time he became well known in corporate law circles as one of the architects of the modern Delaware general corporation law and was described as the master of Delaware's influential corporate statutes. In 1953, he led efforts to update the entire body of statutory law, making Delaware the Nation's most favorable place for businesses to incorporate. His work helped to transform the State's economy by later opening the door to national banks and to credit card operations, along with other financial services.

His wife, a Delaware native, Judge Roxana Cannon Arsht, graduated from the University of Pennsylvania's law school as well, where she met her future husband Sam. In 1931, Roxana became the fifth woman to pass the Delaware bar. She made history again when she was appointed by then-Governor Russell W. Peterson as a judge of the family court in 1971, becoming the first female judge in the State of Delaware.

She retired from the bench in 1983, and began a second career in philanthropy. She was a founding member of the Cancer Care Connection and supported numerous community interests, including Planned Parenthood, the Visiting Nurse Association, the First Stage at Tower Hill School, the Winterthur Museum exhibition hall, and the Christiana Care Health System. Roxana was inducted into the Hall of Fame of Delaware Women in 1986.

Roxana and Sam Arsht shared their love of lifelong learning by providing the first and last gifts to the construction of Arsht Hall for the Academy of Lifelong Learning at the Wilmington campus of the University of Delaware. In 2003, Roxana created the Arsht-Cannon Fund at the Delaware Community Foundation to carry out her and Sam's

commitment to the greater Wilmington community: to preserve, support, protect, and defend the best interests of a civil society. To date, this fund has provided over $4.5 million in grants to Delawareans, and is now directed by her daughter Adrienne.

Adrienne Arsht was born in 1942 in Wilmington, DE, and upon graduation from Villanova Law School, Adrienne was the 11th woman admitted to the Delaware bar. Again, her mom had been the fifth. In 1966, she launched a successful law career at the Delaware firm of Morris, Nichols, Arsht & Tunnell. Later, Adrienne's interests shifted to banking, culminating in a move to Miami in 1966 to join the leadership of a bank called TotalBank, where she served as chair of the board until 2007. Under her leadership, TotalBank grew from 4 locations to 14, with over $1.4 billion in assets. In 2007, TotalBank was sold to Banco Popular Espanol; and in 2008, Adrienne was named the chairman emerita of TotalBank.

In addition to her leadership in the legal profession and in the business world, Adrienne has also taken a leading role in promoting artistic, business, and civic growth in the three cities she now calls home: Washington, DC, New York, and Miami. Following her parents' examples, she has also continued to maintain a strong philanthropic presence in her home State of Delaware, for which we are grateful.

In one of her many contributions to the First State, Adrienne carries on her parents' commitment to the mission of the Arsht-Cannon Fund at the Delaware Community Foundation. With her family background and experiences working with the Hispanic community as a businesswoman in Miami and the release of research findings from the 2008 Delaware Hispanic Community Needs Assessment, Adrienne set the funding focus of the Arsht-Cannon Fund to support many nonprofits with a focus on addressing the unmet needs of Hispanic Delawareans. This fund has helped thousands of Hispanic Delawareans learn to speak, read, and write in English, continue their education, find employment, access health services, and learn conflict resolution skills. It has made, and continues to make, an essential difference in the lives of Delawareans and will do so for decades to come.

Furthermore, under Adrienne's direction, the Arsht-Cannon Fund established the Cancer Care Connection and Best Buddies in Delaware, brought the Nemours' BrightStart! Dyslexia Initiative to Delaware, and supported the new Delaware Community Foundation's Strategic Fund.

I am honored today to rise to honor and commend a very good friend, Adrienne Arsht, and her late parents, whom I was privileged to know, Roxana and Sam Arsht, for their extraordinary service and continuing contributions to the State of Delaware and to its people. On behalf of Senator COONS, Congressman CARNEY, and myself, we recognize their work to help the many individuals and families who have been touched by their generosity.

We add our congratulations to Adrienne and the Arsht family as they receive the Delaware Community Foundation's First Family Philanthropy Award. Adrienne is truly an extraordinary woman who continues to carry on her parents' legacy of working to improve the lives of others. I consider it a privilege to have known Sam and Roxana, to know their daughter Adrienne, and to be able to stand here today to speak on their behalf in the Senate.

Mr. President, I yield the floor.

BUDGETARY ADJUSTMENTS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2012 and the budgetary aggregates for fiscal year 2012.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations recently reported three bills that are eligible for adjustments under the Budget Control Act. Consequently, I am making adjustments to the 2012 allocation to the Committee on Appropriations and to the 2012 aggregates for spending by a total of $11.896 billion in budget authority and $5.108 billion in outlays. Those adjustments reflect the sum of $2.3 billion in budget authority and $513 million in outlays for funding designated for disaster relief, $8.703 billion in budget authority and $3.821 billion in outlays for funding designated as being for overseas contingency operations, and $893 million in budget authority and $774 million in outlays for program integrity initiatives. The two program integrity initiatives for which adjustments are in order under the Budget Control Act are continuing disability reviews and redeterminations and health care fraud and abuse control.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES.—PURSUANT TO SECTION 106(b)(1)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]

	2011	2012
Current Spending Aggregates:		
Budget Authority	3,070,885	2,971,874
Outlays	3,161,974	3,042,098
Adjustments:		
Budget Authority	0	11,896
Outlays	0	5,108
Revised Spending Aggregates:		
Budget Authority	3,070,885	2,983,770
Outlays	3,161,974	3,047,206

FURTHER REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

[In millions of dollars]

	Current allocation/ limit	Adjustment	Revised allocation/limit
Fiscal Year 2011:			
General Purpose Discretionary Budget Authority	1,211,141	0	1,211,141
General Purpose Discretionary Outlays	1,391,055	0	1,391,055
Fiscal Year 2012:			
Security Discretionary Budget Authority	806,041	8,703	814,744
Nonsecurity Discretionary Budget Authority	360,613	3,193	363,806
General Purpose Discretionary Outlays	1,322,834	5,108	1,327,942

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

[In billions of dollars]

	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Labor-HHS-ED					
Budget Authority	0.893	0.000	0.000	0.000	0.893
Outlays	0.774	0.000	0.000	0.000	0.774

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2012 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011—Continued

[In billions of dollars]

	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Transportation, HUD					
Budget Authority	0.000	2.300	0.000	0.000	2.300
Outlays	0.000	0.513	0.000	0.000	0.513
State, Foreign Operations					
Budget Authority	0.000	0.000	0.000	8.703	8.703
Outlays	0.000	0.000	0.000	3.821	3.821
Total:					
Budget Authority	0.893	2.300	0.000	8.703	11.896
Outlays	0.774	0.513	0.000	3.821	5.108
Memorandum 1—Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	0.000	0.000	8.703	8.703
Nonsecurity Budget Authority	0.893	2.300	0.000	0.000	3.193
General Purpose Outlays	0.774	0.513	0.000	3.821	5.108
Memorandum 2—Cumulative Adjustments (Includes Previously Filed Adjustments):					
Budget Authority	0.893	8.113	0.000	126.544	135.550
Outlays	0.774	1.607	−0.007	63.568	65.942

HONEST BUDGET ACT OF 2011

Ms. SNOWE. Mr. President, I rise to join Senator SESSIONS in introducing the Honest Budget Act of 2011. At this critical juncture in our Nation's fiscal history, we must no longer allow Washington to rely on an astonishing array of dishonest budget gimmicks to enable and conceal countless billions in Federal deficit spending.

We can no longer accept budgets that compromise our economic growth, living standards, or opportunities that have been a hallmark of America's greatness, which is why Senator SESSIONS and I have introduced this important legislation. The Honest Budget Act of 2011 will attack Washington's frivolous spending by stripping away many of the most egregious budget gimmicks in Washington, by making it harder for the Federal Government to spend money it does not have, and by confronting the culture of fiscal manipulation that is bleeding future generations of prosperity.

Our budgetary process is intrinsically broken. Congress is required by law to adopt a budget resolution by April 15, yet in the past 36 years Congress has met that deadline just six times. Throughout the last 10 years, Congress has approved a budget resolution on only six occasions. Congress failed to complete action on a budget resolution for 5 fiscal years: fiscal year 1999 in 1998, fiscal year 2003 in 2002, fiscal year 2005 in 2004, fiscal year 2007 in 2006, and fiscal year 2011 in 2010. Not surprisingly, those fiscal years ended with large, spendthrift, omnibus appropriation measures or continuing resolutions.

Last year, no budget and no appropriations bills passed for the first time since the current budget rules were put into place in 1974, resulting in an almost shutdown of the Federal Government in April 2011. We have had 87 continuing resolutions in the past 14 fiscal years and we even failed to pass all 12 individual appropriations bills last year. Not a single appropriations bill passed for fiscal year 2011!

Moreover, the majority in the Senate has failed to pass a budget for 889 days now. No business or household in America can function without a budget, yet, there are no consequences for congressional inaction. The Honest Budget Act will change this.

This tacit acceptance of emergent dysfunction in our budget and appropriations processes has only exacerbated the trend-line of unbridled federal spending, and it is symptomatic of the miniscule value Congress has assigned to averting economically corrosive deficits and debt. Congress violates the budgetary process and existing rules with impunity and no consequences year after year while our national debt is rising, living standard for millions of Americans is faltering, and America is losing a competitive advantage that was once the hallmark of this great nation.

It is time we put an end to this habitual dysfunction! The Honest Budget Act of 2011 will address the many shortcomings of the budget process and it will force Congress to be accountable to the American people. Specifically, this legislation lays out nine specific fixes to ensure that the loopholes and gimmicks often utilized to circumvent the rules are eliminated for all time.

Currently, the Congressional Budget Act empowers any Senator to raise a point of order preventing the consideration of appropriation bills without a concurrent budget resolution in place, but the Senate can waive it with a simple majority vote. As a result, the point of order is rarely raised and Congress can spend money without a plan or budget restraints.

The Honest Budget Act will strengthen the point of order to require a vote of three-fifths of Senators to waive, enhancing the ability of Members to demand the Senate agree to a concurrent budget resolution before moving appropriation bills. Simply put, our legislation ensures that if Congress fails to pass a budget, then no appropriations bills will be considered.

Another loophole that has often been exploited to spend excessively is designating certain federal spending as an ''emergency.'' Spending that Congress designates as an ''emergency'' is exempt from the controls designed to enforce budget restraint. By definition, an emergency should be necessary, urgent, unforeseen, and temporary.

I understand that the Federal response to emergencies such as natural disasters and acts of war must be deployed rapidly and without unnecessary budgetary constraints. Unfortunately, attaching the ''emergency'' designation to a measure is easy it is simply written into the bill text. A Senator can raise a point of order against the designation during floor consideration, but it can be waived with 60 votes.

Examples of the emergency designation abuse abound. For instance, the 2008 supplemental appropriation bill included $210 million in ''emergency'' spending for the 2010 Census even though, since its ratification in 1788, the Constitution has required a census every 10 years. Moreover, the fiscal year 2011 appropriation omnibus bill included $159 billion in emergency spending for the Afghan and Iraq operations wars the U.S. has been fighting for 10 years!

The Honest Budget Act fixes this broken process by prohibiting any bill, joint resolution, or conference report from carrying an emergency requirement unless it is added via an amendment. A supermajority would then be required to sustain an appeal of the ruling of the Chair. A new point of order could be created against an emergency requirement in an amendment that requires 60 votes to waive.

These simple fixes are just a few of the commonsense budget process enhancements the Honest Budget Act makes. These are the types of focused improvements that must be implemented to work alongside a balanced budget amendment to ensure that Congress begins to operate in a more honest and open fashion.

Since 2002 the Nation has run a deficit each and every year and our gross debt has increased from $6.2 trillion to almost $15 trillion. Over the past 5 years alone, government has managed to increase spending by a remarkable 40 percent, contributing to the largest budget deficits in our history over the last 3 consecutive years. The Federal Government is now borrowing roughly 40 cents of every dollar it spends. I do not believe that any of my colleagues in the Senate would argue that the budget process is working properly or as intended. The reality could not be starker.

Our Nation can no longer afford the gimmicks and loopholes too frequently

used in the past to dodge existing budgetary restraints. Targeted budget process reforms will compel Congress to return to the regiment and discipline of the budget and appropriations processes, and thereby force the government to establish priorities and abide by those priorities.

In an August of 1987 televised Oval Office address, President Reagan said, ''The Congressional budget process is neither reliable nor credible; in short, it needs to be fixed.'' It has now been nearly a quarter-century since President Reagan sought to fix the budget process. It is time we heed his advice.

WORLD TEACHERS' DAY

Mrs. BOXER. Mr. President, I rise today to honor our teachers here in the United States and across the globe by recognizing October 5 as World Teachers' Day.

Celebrated in over 100 countries, World Teachers' Day is an occasion to acknowledge the many ways teachers make a difference in the lives of their students and in their communities.

There is no doubt that teachers play a key role in our society. Quality education reduces poverty and inequality, and provides the building blocks for democracy and civic participation.

Every day, over 3.5 million educators across the country work to close achievement gaps, give children the opportunity to succeed, and ensure that we have the educated workforce necessary for a global economy. I am especially proud to recognize the over 300,000 teachers, educating over 6 million students my home State of California.

Last year, I was happy to work with Senator TOM HARKIN of Iowa to pass the Education Jobs Fund, which has kept over 100,000 teachers in the classroom teaching our children.

I know firsthand how much goes into teaching a child, and praise the talented and committed individuals in the United States and around the world who have dedicated their lives to teaching.

MAINE NATIONAL GUARD

Ms. COLLINS. Mr. President, I would like to bring to the attention of my colleagues this article from the Mountain Times in Killington, VT. The article highlights the outstanding work of the nearly 200 members of Maine National Guard's 133rd Engineer Battalion, headquartered in Gardiner, ME, which deployed to Vermont to help our neighbors deal with the destruction from Tropical Storm Irene. Senator LEAHY has told me several times how grateful the people of Vermont are for the assistance and how impressed they are with the professionalism of the Maine National Guard members. All of us in Maine are extremely proud of their outstanding work helping those who needed it most. Mr. President, I ask unanimous consent that the following article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANGELS WITH DIRTY FACES

(By Greg Crawford)

Well, maybe their faces are clean, but the men and women of the Maine National Guard's 133rd Engineer Battalion, headquartered in Gardiner, Maine, and commanded by Lt. Colonel Normand Michaud, sure got their boots muddy! And despite modest denials, they are, indeed, angels, at least to the grateful citizens of Stockbridge.

Following the historic flooding caused by the torrential rains of tropical storm Irene, the call went out to National Guard units in areas not quite so devastated by the storm, and they answered that call with incredible speed. Given the complexity of the logistics involved, and that the behemoth trucks essential to their work do not exactly zip over the road, especially when they have to negotiate flood-ravaged terrain, the fact that they managed to get here just a few days after the flooding occurred is nothing short of amazing. The 38-vehicle caravan took 16 hours to make the trip from Belfast, Maine, about 40 miles east of Augusta, where much of the equipment was stored.

Something like a quarter of a mile of Vermont Route 107 between Bethel and Stockbridge was washed downstream. In some places, the road hugged the near-vertical mountainsides with the river right next to it. Following Sunday's deluge, the river was rushing by at the foot of the mountain as if the road had never been there at all.

A NATIONAL GUARD TRUCK UNLOADS PALLETS OF BOTTLED WATER AT THE STOCKBRIDGE ELEMENTARY SCHOOL

But then the 133rd showed up, and things changes in a hurry. Their first task upon arrival was to erect the tents that would house the fifty-plus Guard members assigned to the Route 107 site and others around Stockbridge. It was fortunate that there was level ground beside Lambert's Power Tools, directly adjacent to the damaged highway. Before they could position the excavators, they had to build a dike to keep the muddy waters of the not-so-White River out of the area where their equipment would have to be situated. There's very fine, muddy silt everywhere, and though they had a couple of fair weather, the recent rains turned that silt into a thick soup that would have brought mere mortals to a standstill. But this is the 133rd Engineer Battalion. By Wednesday morning, they had already managed to restore a single, very rough lane where there had only been submerged rubble. This was wet, dirty and dangerous work, but according to Frank Lambert's daughter, one of the Guardswomen attached to this unit commented that she'd rather be here in Vermont's mud and rain than in Afghanistan. Small wonder. The 133rd has lost members to IEDs in previous deployments to that war-torn country.

That single lane of 107 is still barely navigable, even by 4-wheel drive vehicles, so it is not open to traffic as yet. But it is there. For that alone, 2nd Lieutenant Rand and the men and women of the 133rd Engineer Battalion have earned the undying gratitude of the residents of Stockbridge and the neighboring towns that depend on that highway.

A ''BUCKET BRIGADE'' SPEEDS THE TRANSFER OF PACKAGED BOTTLED WATER INDOORS

By the way, if anyone, Stockbridge resident or not, should encounter a Guard member from the 133rd, or any other National Guard unit here to help, tell them, thank you. SPC Allison Pelletier of the 133rd's Public Affairs Office tells me that a much-appreciated expression of gratitude would be coffee and food. The MREs they're living on are better than they used to be . . . but they're still MREs. Some Dunkin' Donuts would go over pretty big, too, I'll bet. Hint, hint.

There are plenty of angels right here in Stockbridge, too. So many, in fact, that you can't swing a cat without smacking a Good Samaritan. My cat hates it when I do that.

Willis and Harry Whitaker, Mark Pelletier, Dave Brown, Peter Steibris, and God-only-knows how many others put in unbelievable hours making roads passable for emergency vehicles. They also reinforced the damaged abutment of Gaysville's 1929-vintage iron bridge.

Sid Hotchkiss and the McCullough brothers from Bethel have been working on the monster hole in River Road with bulldozers and an excavator.

Barbara Vellturo, Stephen Farrington, Cheryl Rivers, and others have slaved away over hot computers ferreting out information about the status of roads and bridges in surrounding towns and getting that information to Stockbridge residents by e-mail and postings to a Google Group called Stockbridge Open Forum. Paul Buckley has scouted all those roads daily to confirm the accuracy of the information.

Mark Doughty has coordinated meetings all over town to keep people up to date and convey residents' concerns to town officials.

Janet Whitaker has maintained a steady flow of information from a multitude of sources to keep the group forum's information current.

Jenny Harris has made innumerable runs to area pharmacies for prescriptions so residents in need don't run out of essential medications, and Mary Ellen Dorman, who knows everyone in town, has seen to it that they were all delivered to the right people.

Josh and Michelle Merrill, two former Gaysville residents now living in Rutland, are the people who, with the help of the Chittenden Fire Department and the Stockbridge Fire Department, got the ball rolling for the food shelves at the Stockbridge Elementary School and on the Stockbridge Common. Fifteen volunteers give of their time to organize and dispense all the items that fill the school's multi-purpose room.

Every day, there are people going out of their way to help someone. They neither expect, nor ask for, recognition; they just do what they know is right and move on. Makes it hard to catch 'em in the act.

Several people whose homes were damaged or destroyed, and those who simply can't get to their homes, have been taken in by generous and thoughtful neighbors. Furniture and appliances have been donated, or at least promised, to people in the process of rebuilding. Special efforts have been made to care for elderly, ill, or disabled residents, including helicopter and ambulance evacuations.

Were it possible to recount them all, the incidents of selfless generosity and assistance given to those less fortunate would fill this paper and two or three issues to come. Only a few have been mentioned here by name, but many more deserve recognition. However, I feel quite certain they are all content with the knowledge that they did some good.

ADDITIONAL STATEMENTS

HONORING SPECIALIST DOUGLAS EDWARD DAHILL

• Mr. BROWN of Ohio. Mr. President, this morning, at 10:45, in our Nation's

most prestigious military cemetery, Douglas Edward Dahill, a Vietnam war veteran from Lima, OH, was laid to rest. Forty years after being presumed dead, his family will gather at Arlington National Cemetery to honor his life in the hallowed place our Nation honors its heroes.

Douglas Dahill's story—and that of his family—is simultaneously exceptional and familiar. Dahill voluntarily enlisted in the U.S. Army after graduating from Lima Senior High School, following in the footsteps of his grandfather, father, and uncle, who had all served in the U.S. military during times of war.

Dahill was part of Detachment B52 Delta's Reconnaissance Team 6, which was dropped behind enemy lines on April 14, 1969 in South Vietnam's Quang Nam Province. Three days later, on April 17, 1969, Dahill and his team came under intense enemy fire in Thua Thien. They radioed a request for air strikes and support. But their call was never heard. Thunderstorms prevented air support from assisting Dahill and his team. The following day, a search team went looking for Team 6, but found no trace of their whereabouts. More than 8,000 miles away, in Lima, OH, an Ohio military family would begin their long, painful wait for news of their beloved son and brother.

For nearly four decades, the status of Delta's Reconnaissance Team 6 went unresolved. Like so many American families during the Vietnam war, the Dahill's were forced to cope with Douglas' unknown fate. When the Vietnam war ended, and after American Prisoners of War, POWs, were returned home, approximately 2,646 Americans were still unaccounted for. Initially, the U.S. partnered with the Republic of Vietnam to conduct joint searches for Americans missing in South Vietnam. This joint effort resulted in the recovery and identification of 63 American servicemembers, but Dahill was not among them.

When the Communist regime took over Vietnam in 1975, joint efforts to recover those missing in action were halted, and American families could only hope that Vietnam would unilaterally recover and return the remains of their missing loved ones. In 1991, Vietnam returned uniform parts and a small quantity of human remains that were allegedly associated with Delta's Reconnaissance Team 6. But the technology at the time was not able to conclusively identify the remains. It wasn't until approximately 1 year ago that a portion of these remains were positively attributed to Specialist Douglas Edward Dahill.

Since U.S. Government efforts began, the remains of more than 900 Americans killed in Vietnam have been returned and identified. However, 1,682 servicemembers—77 of whom are from Ohio—remain unaccounted for. The Department of Defense, and Congress, must continue to support recovery and identification efforts so that more missing Americans can be laid to rest and more American families may know peace and closure.

Douglas Edward Dahill is survived by his sister Carol Long and brother John Dahill. On behalf of a grateful State and Nation, I thank Specialist Dahill and his service and sacrifice for our Nation. May he rest in peace in Arlington National Cemetery and in our Nation's heart.●

2011 SOLAR DECATHLON

● Mr. CARDIN. Mr. President, today I wish to congratulate the University of Maryland, UMD, for winning the U.S. Department of Energy's 2011 Solar Decathlon competition. The competition is organized by the National Renewable Energy Laboratory, America's premier laboratory for research and development regarding renewable energy and energy efficiency. This biennial event challenges collegiate teams from around the world to design, build, and operate solar-powered houses that are affordable to build and operate, energy-efficient, and aesthetically attractive. Nineteen teams representing the United States, China, New Zealand, Belgium, and Canada competed in this year's event, which was held at the National Mall's West Potomac Park.

I am so proud of the collaborative efforts of more than 200 UMD students, faculty, and mentors from diverse disciplines across the campus who participated in making their entry, WaterShed, such a resounding success. Students, faculty, and mentors came from the College of Agriculture & Natural Resources; the School of Architecture, Planning & Preservation; the College of Computer, Mathematical & Natural Sciences; the A. James Clark School of Engineering; the University of Maryland Libraries; the National Center for Smart Growth Research & Education; and the Center for the Use of Sustainable Practices. Over ten academic courses were offered as part of WaterShed's development since the spring 2010 academic semester.

WaterShed was inspired by concern for the Chesapeake Bay ecosystem, so the project wasn't just a successful model for energy efficiency; it also implemented practical solutions to preserve our precious water resources and manage stormwater runoff, a particularly damaging form of pollution to the bay.

The Chesapeake Bay is Maryland's greatest natural resource. For Marylanders, this national treasure is the cornerstone of our economy and part of the fabric of our communities. Its restoration and protection have been the focal point of my work on environmental issues in the Senate. The University of Maryland's work in publicizing and promoting sustainable housing options like WaterShed for the residents of the Chesapeake Bay region will go a long way toward preserving this treasured resource. I cannot think of a more appropriate effort for the University of Maryland to be engaged in, and I applaud everyone's hard work during the past two years towards this common cause and successful outcome.

The success of WaterShed is the pinnacle of a long history of achievement for the University of Maryland in the Solar Decathlon competition. The University of Maryland's initial design for the inaugural Solar Decathlon competition in 2002 became the foundation for subsequent entries. In 2002, Maryland's entry placed fourth. In 2005, Maryland's solar house won the People's Choice and Solar Innovation Awards while placing eighth overall. In 2007, Maryland's LEAFHouse won the People's Choice Award and received a host of other awards from industry and professional associations. The acronym LEAF stands for ''Leading Everyone towards an Abundant Future.'' LEAFHouse placed second in the overall scoring.

The UMD team gained valuable knowledge from the 2005 design and LEAFHouse, both of which are still in use for educational purposes. This year, the team took its vision to an even higher level with WaterShed. The forms of the house highlight the path of a water drop. The split butterfly roofline collects storm water into the core of the house for use. WaterShed also features a holistic approach to water conservation, recycling, and storm water management. These features include a modular constructed wetland that helps filter and recycle greywater from the shower, washing machine, and dishwasher; a green roof that slows rainwater runoff to the landscape while improving the house's energy efficiency; and a garden, composting system, and edible wall system to illustrate a complete carbon cycle program.

So many people are involved in the Solar Decathlon. I would like to acknowledge several of them, including Richard J. King, Solar Decathlon director, and Betsy Black, sponsorship manager, at the U.S. Department of Energy, DOE. Other DOE personnel involved include Marilyn Burgess, John Chu, Sheila Dillard, Kerry Duggan, Nicole Epps, Peter Gage, Cassie Goldstein, David Lee, Howard Marks, Martha Oliver, Erin Pierce, Roland Risser, Phil West, and Janie Wise. At the National Renewable Energy Laboratory, Carol Anna, Susan Bond, Bob Butt, Mike Coddington, Rebecca Dohrn, John Enoch, Sara Farrar-Nagy, Michael Gestwick, Amy Glickson, Pamela Gray-Hann, Sheila Hayter, Mary Ann Heaney, Henri Hubenka, Terri Jones, Ron Judkoff, Alicen Kandt, Stephen Lappi, Kamie Minor, Susan Moon, Ruby Nahan, Michael Oakley, Sean Ong, Alexis Powers, Joe Simon, Jeff Soltesz, Blaise Stoltenberg, Byron Stafford, Lee Ann Underwood, Amy Vaughn, Mike Wassmer, and Andrea Watson all lent their support to the Decathlon. Contractors and other contributors include Aquilent, Cécile Warner, Colorado Code Consulting, D&R

International, Eberle Construction, Hargrove, Carolynne Harris, Linder & Associates, Navigant, Norton Energy R&D, Oak Ridge National Laboratory, Showcall, Stratacomm, and Studio Ammons.

Yesterday, a Member of the U.S. House of Representatives said that the United States ''can't compete with China to make solar panels and wind turbines,'' and suggested that the Federal Government shouldn't subsidize green-energy programs. I guess he didn't visit West Potomac Park to see what is going on. The many creative entries in the 2011 Solar Decathlon demonstrate to the wider public the cost effectiveness of houses that combine energy efficient construction and appliances with renewable energy systems that are available today. And even better homes and appliances and systems are just around the corner. Investing in green technologies creates jobs. Diversifying our energy sources creates competition, which will help to stabilize and lower energy prices. Thinking beyond fossil fuels buried in unstable or unreliable countries strengthens our national security.

I think the Solar Decathlon represents all that, and much more. At this critical juncture in our nation's history, we face significant economic, energy, and environmental challenges. It is easy to be discouraged or cynical. But for each person who says, ''it can't be done,'' there are scores of people—especially young people—out in our universities and communities, in workplaces and laboratories across America, who reject defeatism and cynicism, who demonstrate the ''can-do'' spirit that made America great and will restore our fortunes. Competitions such as the Solar Decathlon and entries such as the University of Maryland's Watershed provide sparkling evidence of the innovative and practical solutions to the intertwined problems we face. More importantly, they provide hope and inspiration.

If we are going to solve our problems, we need to roll up our sleeves and collaborate with each other—just like the UMD team did. Scores of students worked on WaterShed. I am so pleased their hard work paid off and so proud of them. I would like to take this opportunity to acknowledge and salute them on this watershed accomplishment. UMD student team leaders included Jay Chmilewski, Major: Civil Engineering, Spring 2012; WaterShed Disciplines: Engineering, Construction; David Daily (Majors: Electrical Engineering & Nanotechnology, Spring 2012), WaterShed Disciplines: Engineering, Construction; Leah Davies (Major: Graduate Architecture Student, Fall 2011), WaterShed Disciplines: Architecture, Living Systems/Landscape, Construction, Communications; Steve Emling (Major: Mechanical Engineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Isabel Enerson (Major: Environmental Science & Technology, Spring 2013), WaterShed Disciplines: Living Systems/Landscape, Communications; Tamir Ezzat (Major: Graduate Architecture Student, Spring 2013), WaterShed Discipline: Architecture; Michael Feldman (Major: Civil Engineering, Spring 2011), WaterShed Disciplines: Engineering, Construction; David Gavin (Major: Graduate Architecture Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Jeff Gipson (Major: Graduate Architecture & Real Estate Development Student, Spring 2012), WaterShed Disciplines: Architecture, Communications; Newton Gorrell (Major: Graduate Architecture Student, Spring 2012); WaterShed Disciplines: Architecture, Construction, Communications; Joseph Ijjas (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Construction, Communications; Moshe Katz (Major: Computer Science, Spring 2012), WaterShed Disciplines: Communications, Computer Science; Yehuda Katz (Major: Computer Science, Spring 2012), WaterShed Disciplines: Communications, Engineering, Computer Science; Lynn Khuu (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Communications; Zachary Klipstein (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Architecture, Construction; Parlin Meyer (Major: Graduate Architecture Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Jeff Rappaport (Major: Bioengineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Matt Sickle (Major: Graduate Landscape Architecture Student, Spring 2012), WaterShed Disciplines: Living Systems/Landscape; Evan Smith (Major: Civil and Environmental Engineering, Spring 2012), WaterShed Disciplines: Engineering, Construction; Scott Tjaden (Major: Environmental Science& Technology, Spring 2012), WaterShed Disciplines: Living Systems/Landscape, Construction; Kevin Vandeman (Major: Graduate Architecture & Real Estate Development Student, Spring 2012), WaterShed Disciplines: Architecture, Construction; Nick Weadock (Major: Materials Science & Engineering, Spring 2013), WaterShed Disciplines: Engineering, Construction; Allison Wilson (Major: Master of Architecture, Spring 2011), WaterShed Disciplines: Project Management, Architecture, Communications, Construction; and Veronika Zhiteneva (Major: Environmental Science & Technology, Spring 2013), WaterShed Disciplines: Living Systems/Landscape, Construction, Communications.

Student team members include Ali Alaswadi, Benjamin Bates, Amy Chen, Brennan Clark, Linda Clark, Michael Craton, Natalya Dikhanov, Eric Gellman, James Han, Justin Heil, Justin Huang, Erik Kornfeld, John Kucia, Allen Meizlish, Jeffrey Sze, and Andrew Taverner.

Extended team members included Ali Alaswadi, Sahin Arikoglu, Alex Atahua, Rishi Banerjee, Justin Bare, Katherine Beisler, Jacob Bialek, Paul Bilger, Christoper Binkley, Ian Black, Andrew Bruno, Victoria Chang, Wen-Hui Chen, Ethan Cowan, Justin Cullen, Diana Daisey, Adam Davies, Aleron Dsilva, Mariam Eshete, Eric Faughnan, Ryan Fitch, Meredith Friedman, Holman Gao, Louis Gbone, Philip Geilman, Phil Geiman, Marisa Gomez, Karen Hillis, Ananya Hiremath, Vanessa Hoffman, Amy Hudson, Phil Jacks, Peter James, Eric Joerdens, Christine Kandigian, Jacob Kunken, Christopher Leung, Arik Lubkin, Christopher Luther, Ryan Maisel, Bracha Mandel, Maria Martello, Zachary Martinez, Abe Massad, Mark Matovich, Shakira Mccall, Kenneth Morgan, Christopher Myers, Zachary Nerenberg, Matthew Newman, Yuchen Nie, Albert Palmer, Daniel Perdomo, Robert Pettit, Chau Pham, Georgina Pinnock, Kaitlin Pless, Olga Pushkareva, James Ramil, Mark Reese, Raheena Rehman, Nicolas Roldos, Boateng Rosemond, Michele Rubenstein, Michael Satoh, Charles Schupler, Juliet Serem, Valerie Smith, Jacob Steinberg, Michael Taylor, Alexander Tonetti, Marcela Trice, Katherine Vocke, Nader Wallerich, Luxi Wang, Amy Weber, Sofia Weller, Christine Wertz, Kiley Wilfong, Christine Wirth, Fawna Xiao, Diane Ye, and Jesse Yurow.

The UMD team benefited from a lengthy list of mentors, including Deborah Bauer, a freelance architectural consultant who collaborated with communications team members for various endeavors including tour guide training, residents interviews, and general strategy development; Grant Baxter, Baxter Floors, who worked with the team to craft and install the bathroom woodwork and grate; Charlie Berliner, Berliner Construction, a ''cornerstone'' of the architecture and construction team; Dan Blankfeld, John J. Kirlin, LLC, who provided 30 hours' worth of Occupational Health & Safety Administration (OSHA) training for the core construction team; Joe Bolewski, Whiting Turner, who provided construction and carpentry mentorship to the team; Brian Borak, Booz Allen Hamilton, who provided expertise and assistance to the DC electric team; Erin Carlisle, EYP Architecture & Engineering, who provided Revit training and technical assistance to the drawing and documentation team; John Cartagirone, American Power and Light, a three-time UMD solar decathlon mentor and friend who worked side-by-side with the electrical team to wire the house and install light fixtures; Chris Cobb, Robert Silman and Associates, who worked in partnership with UMD's 2007 Solar Decathlon's LEAFHouse team and returned this year to provide his expertise in the integration of architecture and structural systems; John Coventry, Coventry Lighting, who provided mentorship as the architecture team developed the lighting design; Adam Eurich, Robert Silman and Associates,

who worked with the team to develop structural design, analysis, details, and drawings; Taz Ezzat, Maryland Custom Builders, Inc., who collaborated with the team on the construction, transport, assembly, and pick/set strategies; George Fritz, Horizon Builders, who hosted visits from the construction team to his demonstration and mock-up facility where he shared best practices for building craft, construction, and vapor management; Julie Gabrielli, Gabrielli Design Studio, who provided input to the communications team on the development of its strategy and concept; Aditya Gaddam; Jennifer Gilmer, Jennifer Gilmer Kitchen and Bath, who worked with the architecture team to design WaterShed's kitchen; Anne Hicks Harney, Ayes Saint Gross, who worked with the drawing and documentation team to finalize the project manual; Maggie Haslam; Ray Hayleck, PMSI Consulting, who provided cost estimating mentorship to the affordability team during the initial phases of estimating; Joan Honeyman, Jordan Honeyman Landscape Architecture, who collaborated with the landscape team on the landscape and plant selection; Ming Hu, HOK, who provided energy modeling assistance to the engineering team; Adam Keith, Whiting Turner, who provided construction and carpentry mentorship to the team; Peter Kelley, American Wind Energy Association, who provided media training to the team and worked with the communications team to develop the target market; Benson Kwong, enVErgie Consulting, who provided mentorship to the engineering cost estimating team during the design development phase; Mike Lawrence, National Museum of Natural History, who worked with the communications team to develop the house tour strategy; Dale Leidich, MTFA Architecture, who provided project management guidance, insight, and advice to the team; John Love, Love's Heating and Air, who consulted with the team on the heating, ventilation, and air-condition, HVAC, design and implementation; Kristen Markham, Simpson Gumpertz & Heger, who consulted with the team on building envelope construction means and methods; Evan Merkel, Greenspring Energy, who worked with the electrical team to design and integrate the photovoltaic (PV) and micro inverter system; John Morris, Perkins Eastman, a veteran of UMD's 2007 LEAFHouse entry and a practicing architect with a background in construction who provided mentorship and assistance to the construction team; Frank Plummer, Tremco, who served as a trusted mentor for the construction team and provided expertise related to construction means and methods for liquid applied membranes for the building envelope and the constructed wetlands; Don Posson, Vanderweil, a long-time teaching partner at UMD who reviewed the engineering and living systems design; Kristin Potterton, Robert Silman and Associates, who worked with the team to develop structural details and drawings; Tyler Sines, who provided mentorship to the engineering team developing the liquid desiccant wall; Niklas Vigener, Simpson Gumpertz & Heger, who consulted with the team on building envelope construction means and methods; Dan Vlacich, Accenture, who provided expertise, assistance, and power tools to the DC electric team; Fred Werth, Kensington Plumbing and Heating, Inc., who provided master plumbing expertise and assisted the team in the design and installation of the solar thermal and HXEST systems and domestic plumbing system; Bill Wiley, the Potomac School, who collaborated with the engineering team to design and build WaterShed's smart house controls system; Jay Williams, marketing and design specialist for the solar home industry, who provided marketing assistance to the communications and marketing teams; Dan Zimmerman, Shapiro & Duncan, a veteran of two previous decathlons who provided experience and advice to the HVAC and solar thermal teams, facilitated donations, and provided the engineering team with his can-do perspective on the value of figuring things out through hands-on experience.

Last but not least, I would like to congratulate the UMD faculty and staff, starting with the University's President and Chancellor, Dr. Wallace D. Loh and Dr. William E. Kirwan, respectively. Faculty team members included: Mike Binder, AIA LEED–AP, Lecturer in the School of Architecture, Planning & Preservation; Patricia Kosco Cossard, M.A., M.L.S., Librarian and Lecturer in the School of Architecture, Planning & Preservation; Amy Gardner, AIA LEED–AP, Associate Professor in the School of Architecture, Planning & Preservation and Director of UMD's Center for the Use of Sustainable Practices, Brian Grieb, AIA LEED–AP, Lecturer in the School of Architecture, Planning & Preservation and a Partner with GriD Architects in Annapolis; Dr. Keith Herold, Associate Professor of Bioengineering in the A. James Clark School of Engineering; Madlen Simon, AIA, Associate Professor and Architecture Program Director in the School of Architecture, Planning & Preservation, and a Principal at Simon Design; Dr. David Tilley, Associate Professor of Ecological Engineering in the College of Agriculture & Natural Resources, and President of the International Society for the Advancement of Energy Research; and Brittany Williams, Associate AIA LEED–AP Lecturer in the School of Architecture, Planning & Preservation, Project Designer for MTFA Architecture in Arlington, Virginia, and a 2007 Solar Decathlon team leader.

What an outstanding accomplishment! Go Terps!●

HOCKESSIN FIRE COMPANY AND LADIES AUXILIARY

● Mr. COONS. Mr. President, it is with great pleasure that I honor the Hockessin Fire Company and ladies auxiliary on 75 years of exceptional service to the great State of Delaware. October 15 marks an important day in the fire company's history, signifying the first official meeting of its founding members. For over seven decades, members of the Hockessin Fire Company and ladies auxiliary have given unselfishly of their time and services in order to make their community a safer place. Today I give thanks for their unyielding determination, self-sacrifice and volunteerism.

In 1936 in the small village of Hockessin, DE, five members of the community recognized a vital protective service was missing, and they decided to do something about it. Meeting in a small library room on October 15, the Hockessin Fire Company was born. With one engine, they went to work protecting and serving their community. From the very beginning, the ladies auxiliary was integral to their operations. When the fire company decided to purchase a second engine in 1938, funds raised by the ladies helped purchase a diesel model that was the first of its kind in the State. Then and now, both organizations have continued that wonderful tradition of partnership, hard work, support and service to all.

Like many volunteer fire companies across the United States the Hockessin Fire Company's value is certainly not limited to its local community, but should inspire each and every American, reminding us of the importance of volunteering and serving others. I commend the hard work of all our fire service men and women across the United States, and especially those at the Hockessin Fire Company on this special anniversary. They are examples of the generous spirit of the American people, who we should be fighting for every day.

I congratulate the Hockessin Fire Company and ladies auxiliary on 75 years of extraordinary service and support to their community and the State of Delaware. On behalf of all Delawareans, I extend my thanks to each and every member for the many sacrifices they have made during the past 75 years. Their continued efforts and countless contributions are greatly appreciated.●

REMEMBERING JOSEPH D. ''JOE'' HUBBARD

● Mr. SESSIONS. Mr. President, I would like to pay tribute today to one of Alabama's most admired and successful prosecutors, Joseph D. ''Joe'' Hubbard, who passed last month. I got to know him when I was U.S. attorney for the Southern District of Alabama and later when we worked together during the time I served as attorney general of Alabama.

Joe was a native of Calhoun County and graduated from Oxford High School. He received a bachelor's degree with honor from Auburn University and graduated from the fine Cumberland School of Law at Samford University, cum laude. He was elected district attorney in 1992 and reelected, without opposition, in 1998, 2004 and 2010. Prior to being elected district attorney, Joe was an assistant district attorney for the 7th Judicial Circuit from 1978–1985 and chief assistant district attorney 1985–1993.

Joe was named Elected Official of the Year in 2004 by the National Association of Social Workers, District Attorney of the Year for the State of Alabama, and awarded the Distinguished Service Award for Outstanding Law Enforcement.

Joe was dedicated to the law and always did what was right. As a career prosecutor he was most known for two successful prosecutions: That of Donald Ray Wheat, who was convicted of the 2002 murder of four people in a Blockbuster video store, and the prosecution of Marie Hilley which was the subject of two books and a television movie. He also published a novel entitled ''Blood Secrets,'' a thriller about a trial lawyer who wrestles with inner demons as he pursues the seat of the world's most powerful figure—the presidency of the United States. Proceeds from the sale of that book have been donated to the American Cancer Society.

Joe was a role model for prosecutors. He was greatly admired by his fellow prosecutors throughout the State. I shared that view. He was smart, hard working, and deeply experienced. He knew his business and was a ''hands on'' leader of his office. Frequently, he was called on to provide leadership and otherwise help with tough issues throughout the State. Prosecutors have a demanding job, but one that is quite fulfilling. It requires strength, tenacity, integrity and, importantly, good judgment. Joe possessed all these qualities and more. He could have left public service for a very successful private practice many times but he didn't. He stayed and served the public interest. He retired from that service on March 15, 2011. He will be greatly missed by family, friends and colleagues.●

ANGELS IN ADOPTION

● Mr. THUNE. Mr. President, today I wish to recognize Jim and Jean Mulder of Eureka, SD, as my nominees for the 2011 Angels in Adoption Award. Since 1999, the Angels in Adoption program through the Congressional Coalition on Adoption Institute have honored more than 1,700 individuals, couples, and organizations nationwide for their work in providing children with loving, stable homes.

Fifty-nine foster children have come to know what it means to have loving parents through the compassion of Jim and Jean Mulder. While some parents struggle to find a new identity after their youngest child enrolls in elementary school full time, Jim and Jean decided they just enjoyed being parents too much. So, for the past 20 years, this generous couple has opened their home in north central South Dakota to kids who have only known stability and hot meals to be luxuries. The simple things, such as tossing the baseball around or going fishing, have come to mean the world to the Mulder's because they can see the joy in their foster children's faces and know the impact their love has had. Jim and Jean included their foster children in all family activities with their biological children, and gave their 59 foster children a sense of what it means to be in a loving, stable family.

With children coming in and out of their home, staying anywhere from months to nearly a decade, one can only imagine the range of emotions Jim and Jean have experienced. From laughter to heartbreak, they both count their God-given role as foster parents as nothing shy of a blessing. With that blessing, they have bestowed a gift onto others in an immeasurable way.

With National Adoption Day just around the corner on November 19, 2011, it is important that we recognize the compassionate families who fulfill the roles of foster and adoptive parents. It brings me great pride to be able to honor South Dakotans Jim and Jean Mulder, my nominees for the 2011 Angels in Adoption Award.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILLS SIGNED

At 7:37 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 771. An act to designate the facility of the United States Postal Service located at 1081 Elbel Road in Schertz, Texas, as the ''Schertz Veterans Post Office''.

H.R. 1632. An act to designate the facility of the United States Postal Service located at 5014 Gary Avenue in Lubbock, Texas, as the ''Sergeant Chris Davis Post Office''.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3418. A communication from the Director of Congressional Affairs, Nuclear Regulatory Research, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Abnormal Occurrence Reporting Procedure and Handbook'' (Management Directive 8.1) received in the Office of the President of the Senate on September 23, 2011; to the Committee on Environment and Public Works.

EC–3419. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Alternative to Minimum Days Off Requirements'' (RIN3150–AI94) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC–3420. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Minerals Management: Adjustment of Cost Recovery Fees'' (RIN1004–AE22) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC–3421. A communication from the Assistant Administrator for Regulatory Programs, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Determination of Nine Distinct Population Segments of Loggerhead Sea Turtles as Endangered or Threatened'' (RIN0648–AY49) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC–3422. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Revised Designation of Critical Habitat for the Sonoma County Distinct Population Segment of California Tiger Salamander'' (RIN1018–AW86) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC–3423. A communication from the Chief of the Endangered Species Listing Branch, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for Casey's June Beetle and Designation of Critical Habitat'' (RIN1018–AV91) received during adjournment of the Senate in the Office of the

President of the Senate on September 28, 2011; to the Committee on Environment and Public Works.

EC–3424. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara Air Pollution Control District, Sacramento Municipal Air Quality Management District and South Coast Air Quality Management District'' (FRL No. 9469–1) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC–3425. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Indiana; Prevention of Significant Deterioration Greenhouse Gas Tailoring Rule'' (FRL No. 9471–9) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC–3426. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Ohio, Kentucky, and Indiana; Cincinnati-Hamilton Nonattainment Area; Determinations of Attainment of the 1997 Annual Fine Particulate Standards'' (FRL No. 9472–2) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Environment and Public Works.

EC–3427. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; State of Colorado Regulation Number 3: Revisions to the Air Pollutant Emission Notice Requirements and Exemptions'' (FRL No. 9290–2) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC–3428. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Significant New Use Rules on Certain Chemical Substances'' (FRL No. 8880–2) received during adjournment of the Senate in the Office of the President of the Senate on September 29, 2011; to the Committee on Environment and Public Works.

EC–3429. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, the Uniform Resource Locator (URL) for a report entitled ''OSRE: Affiliation Guidance''; to the Committee on Environment and Public Works.

EC–3430. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''Fiscal Year 2010 Superfund Five-Year Review Report to Congress''; to the Committee on Environment and Public Works.

EC–3431. A communication from the Deputy Chief, National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the boundary for the North Fork Crooked Wild and Scenic River in Oregon; to the Committee on Energy and Natural Resources.

EC–3432. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Special Regulations; Areas of the National Park System, Grand Teton National Park, Bicycle Routes, Fishing and Vessels'' (RIN1024–AD75) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Energy and Natural Resources.

EC–3433. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Energy Conservation Program: Compliance Certification for Electric Motors'' (RIN1904–AC23) received in the Office of the President of the Senate on September 26, 2011; to the Committee on Energy and Natural Resources.

EC–3434. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report entitled ''Review of Medicare Contractor Information Security Program Evaluations for Fiscal Year 2009''; to the Committee on Finance.

EC–3435. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties'' (Notice 2011–79) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

EC–3436. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Applicable Federal Rates—October 2011'' (Rev. Rul. 2011–22) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

EC–3437. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Supplemental Procedures for Church Plan Letter Rulings'' (Rev. Proc. 2011–44) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2011; to the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORKER (for himself and Mr. BENNET):

S. 1655. A bill to amend title XI of the Social Security Act to provide for the annual mailing of statements of Medicare beneficiary part A contributions and benefits in coordination with the annual mailing of Social Security account statements; to the Committee on Finance.

By Mr. ISAKSON:

S. 1656. A bill to amend the Internal Revenue Code of 1986 to provide penalty free distributions from certain retirement plans for mortgage payments with respect to a principal residence and to modify the rules governing hardship distributions; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1657. A bill to amend the provisions of law relating to sport fish restoration and recreational boating safety, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR:

S. 1658. A bill to reform and reauthorize agricultural programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. AYOTTE (for herself and Mr. DEMINT):

S. 1659. A bill to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. REID:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUYE (for himself and Mr. CHAMBLISS):

S. Res. 286. A resolution recognizing May 16, 2012, as Hereditary Angioedema Awareness Day and expressing the sense of the Senate that more research and treatments are needed for Hereditary Angioedema; to the Committee on the Judiciary.

By Mr. REID (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. AKAKA, Mr. INOUYE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. HELLER):

S. Res. 287. A resolution designating October 2011 as ''Filipino American History Month''; considered and agreed to.

ADDITIONAL COSPONSORS

S. 25

At the request of Mr. KIRK, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 25, a bill to phase out the Federal sugar program, and for other purposes.

S. 164

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 164, a bill to repeal the imposition of withholding on certain payments made to vendors by government entities.

S. 227

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 227, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 309

At the request of Mr. LUGAR, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 309, a bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

S. 382

At the request of Mr. BARRASSO, the name of the Senator from New Hampshire (Ms. AYOTTE) was added as a cosponsor of S. 382, a bill to amend the

National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, and for other purposes.

S. 393

At the request of Mr. REED, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 393, a bill to aid and support pediatric involvement in reading and education.

S. 402

At the request of Ms. SNOWE, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 402, a bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War, and for other purposes.

S. 741

At the request of Mr. UDALL of New Mexico, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 741, a bill to amend the Public Utility Regulatory Policies Act of 1978 to establish a renewable electricity standard, and for other purposes.

S. 1025

At the request of Ms. MIKULSKI, her name was added as a cosponsor of S. 1025, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 1108

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1108, a bill to provide local communities with tools to make solar permitting more efficient, and for other purposes.

S. 1174

At the request of Ms. STABENOW, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1174, a bill to provide predictability and certainty in the tax law, create jobs, and encourage investment.

S. 1198

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1198, a bill to reauthorize the Essex National Heritage Area.

S. 1265

At the request of Mr. BINGAMAN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1265, a bill to amend the Land and Water Conservation Fund Act of 1965 to provide consistent and reliable authority for, and for the funding of, the land and water conservation fund to maximize the effectiveness of the fund for future generations, and for other purposes.

S. 1285

At the request of Mr. KOHL, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1285, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for new qualified hybrid motor vehicles, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1392

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1392, a bill to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, and for other purposes.

S. 1421

At the request of Mr. PORTMAN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1421, a bill to authorize the Peace Corps Commemorative Foundation to establish a commemorative work in the District of Columbia and its environs, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1467

At the request of Mr. BLUNT, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from North Carolina (Mr. BURR), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. HATCH), the Senator from Wyoming (Mr. ENZI), the Senator from North Dakota (Mr. HOEVEN), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 1467, a bill to amend the Patient Protection and Affordable Care Act to protect rights of conscience with regard to requirements for coverage of specific items and services.

S. 1468

At the request of Mrs. SHAHEEN, the names of the Senator from Minnesota (Mr. FRANKEN) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1468, a bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by authorizing certified diabetes educators to provide diabetes self-management training services, including as part of telehealth services, under part B of the Medicare program.

S. 1528

At the request of Mr. JOHANNS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1528, a bill to amend the Clean Air Act to limit Federal regulation of nuisance dust in areas in which that dust is regulated under State, tribal, or local law, to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, and for other purposes.

S. 1541

At the request of Mr. BENNET, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 1541, a bill to revise the Federal charter for the Blue Star Mothers of America, Inc. to reflect a change in eligibility requirements for membership.

S. 1625

At the request of Mr. MCCAIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 1625, a bill to restore the financial solvency of the United States Postal Service and to ensure the efficient and affordable nationwide delivery of mail.

S. 1639

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1639, a bill to amend title 36, United States Code, to authorize the American Legion under its Federal charter to provide guidance and leadership to the individual departments and posts of the American Legion, and for other purposes.

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1639, supra.

S. 1647

At the request of Mr. CRAPO, the names of the Senator from Texas (Mr. CORNYN), the Senator from Louisiana (Mr. VITTER), the Senator from Iowa (Mr. GRASSLEY) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1647, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gain rates.

AMENDMENT NO. 669

At the request of Mr. MERKLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 670

At the request of Mr. COBURN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of amendment No. 670 intended to

be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 673

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 673 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 675

At the request of Mr. MENENDEZ, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 675 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 680

At the request of Mr. HATCH, the names of the Senator from Nevada (Mr. HELLER), the Senator from Wyoming (Mr. ENZI) and the Senator from Kentucky (Mr. MCCONNELL) were added as cosponsors of amendment No. 680 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 703

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of amendment No. 703 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

AMENDMENT NO. 717

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 717 intended to be proposed to S. 1619, a bill to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORKER (for himself and Mr. BENNET):

S. 1655. A bill to amend title XI of the Social Security Act to provide for the annual mailing of statements of Medicare beneficiary part A contributions and benefits in coordination with the annual mailing of Social Security account statements; to the Committee on finance.

Mr. CORKER. I am here today to say that Senator BENNET from Colorado and myself are introducing a bill that mirrors what has been introduced in the House by Representative COOPER from Tennessee and PAUL RYAN from Wisconsin.

I have tremendous faith in the American people. I believe when the American people are given facts and transparency, they make good decisions. They help us here in Washington make good decisions when I think they have the information they need.

A lot of Americans are very aware of some of the dilemmas we face here in Washington regarding Medicare. But I do not think many Americans are fully aware of the dilemma we face. I think they are aware that the trustees for Medicare have said that in the year 2024 Medicare is going to become insolvent. But I do not think they are aware of the math. Actually I was not aware of the math until we began to look at how we solve the problem.

According to a recent study, the average American couple each earning $43,500 a year will pay $119,000 into the Medicare Program over their lifetime. This contribution includes the portion that their employer pays on their behalf. In other words, the family pays in half, the employer pays in half. In 2011 dollars, that means if you paid in 30 years ago, and that money was inflated to today's dollars, that family would have paid in $119,000 over their lifetime.

What most Americans do not know is that over their lifetime, the average family takes $357,000 out of Medicare. So obviously the math does not work. I think most Americans did not fully realize this until we got into the situation we're in—I am not sure most people in the Senate understood how off the math is, if you will.

Over the next decade, 20 million more Americans are going to be on Medicare. The situation where the average family and their employer are paying in $119,000 into the program and taking out $357,000 is going to be further exacerbated by the fact that over the next 10 years, 20 million more Americans are going to be on Medicare.

Then, on top of that, we are going to have fewer people working per retiree than ever in the history of this country. For that reason, today, Senator BENNET and I are offering a bill that says when Americans receive their Social Security letter, which lays out how much they have paid in, they would also receive the information regarding Medicare, so that they will know how much they are paying into the program and, over time, how much they will have taken out.

I think this type of transparency allows Americans to fully understand how these programs work. To me, what that will do is help all of us in the Senate, and over in the House of Representatives, make better decisions. I think when Americans are informed they help us make better decisions.

A lot of Americans don't fully appreciate this, I think, sometimes. But Congress really does reflect more fully than they think the will of the American people. Again, I think transparency helps us represent the American people in even a more full way.

Today we introduce this bill, and I thank Senator BENNET from Colorado for joining me in this effort. I also thank Representatives COOPER and RYAN for their leadership in the House.

It is my hope that soon, either through unanimous consent or early action, that this bill will become law. I think as long as Americans understand where things stand, they help us in Congress make good and sound decisions. That is why I am introducing this bill today with the help of Senator BENNET from Colorado.

With that, I yield the floor.

The PRESIDING OFFICER. The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I congratulate the junior Senator from Tennessee for his usual good judgment and insight in working on a difficult problem. No Member of this body has done more in the last year to try to highlight the problem of the Federal debt. Through his cap plan, which has been a part of almost every discussion we have had seriously about it, through his effort—more recently to support efforts to try to achieve $4 trillion in debt reduction as a part of the select committee, and his suggestion today that allowing Americans to understand something that most of us hadn't focused on—that during our lifetimes we are paying in $110,000, $120,000 into Medicare and taking out, during our lifetimes, $350,000 or so, and that is a problem that has to be solved.

I have been doing research lately on our debt situation. Fundamentally speaking, our problem lies with health care costs. It lies with families, businesses, and with the U.S. Government. Our discretionary spending—the kind we appropriate every year—on everything from national parks and national defense to roads and bridges, that is about 39 percent of the budget. If we stick to our guns on the agreement we made in early August, that will only grow at a little less than the rate of inflation. But it would go over to the mandatory spending, which is about 55 percent of our spending. It is going to go up three times the rate of inflation, and the fastest growing part of that mandatory spending is Medicare and Medicaid.

So we need to save our Medicare and Medicaid system so Americans can rely on them. I think Senator CORKER shows respect for the voters of Tennessee and for Americans by assuming that if they understand the problem, they will support a serious effort to deal with a solution. I compliment him for that leadership.

The PRESIDING OFFICER. The junior Senator from Tennessee.

Mr. CORKER. Mr. President, while we are issuing compliments, I want to say that all of us want to see to it that Medicare is here for future generations. That will take sound judgment. We have a select committee that is working on, hopefully, the first step to make that happen.

I congratulate the senior Senator from Tennessee for this. More than anybody else recently, I think he has

pointed out that in this country, as we leave mandatory spending on autopilot, and as we move to a place where these programs are insolvent and not there for future generations, what we are doing is eating our seed corn.

The fact is, our senior Senator from Tennessee knows full well what it takes to make a strong country. He sits on an appropriations committee and understands that many of the basic sciences and other types of efforts that are underway with the Federal Government are the very things that will make our country stronger.

Yet what we are doing in this country by leaving mandatory spending on autopilot at the rate at which it is growing is causing us to eat into those things that make our country strong. I thank him for his leadership in that regard. As the Governor of Tennessee, he led our State in making it stronger by making the kinds of priority investments that made us stronger. He alluded to that earlier—what he did in making sure investments in our State created higher wages.

I think more than anybody else in this body, the Senator understands if we allow things to continue as they are, we are going to continue to invest less and less in those kinds of things that make our country strong—things such as infrastructure, which we all know needs to happen. Yet because we haven't had the courage and the will to take on those mandatory programs, reform them so that future generations will have them, but also so that we can continue to make these investments in our country that are so important, our country's greatness will dissipate.

I thank him for his leadership in many ways. I hope he will continue to move ahead with informing people as to what is happening in this country, how that is hurting us, how it causes our greatness to dissipate as long as we don't take on these mandatory spending programs which, in my words, are causing us to eat our seed corn.

By Mr. REID:

S. 1660. A bill to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1660

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''American Jobs Act of 2011''.

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

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any subtitle of this Act shall be treated as referring only to the provisions of that subtitle.

SEC. 3. SEVERABILITY.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4. BUY AMERICAN—USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this Act may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 5. WAGE RATE AND EMPLOYMENT PROTECTION REQUIREMENTS.

(a) Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(b) With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(c) Projects as defined under title 49, United States Code, funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be subject to the requirements of section 5333(b) of title 49, United States Code.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

SEC. 101. TEMPORARY PAYROLL TAX CUT FOR EMPLOYERS, EMPLOYEES AND THE SELF-EMPLOYED.

(a) WAGES.—Notwithstanding any other provision of law—

(1) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of the Internal Revenue Code of 1986 shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a) of such Code), and

(2) with respect to remuneration paid during the payroll tax holiday period, the rate of tax under 3111(a) of such Code shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3221(a) and 3211(a) of such Code).

(3) Subsection (a)(2) shall only apply to—

(A) employees performing services in a trade or business of a qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(4) Subsection (a)(2) shall apply only to the first $5 million of remuneration or compensation paid by a qualified employer subject to section 3111(a) or a corresponding amount of compensation subject to 3221(a).

(b) SELF-EMPLOYMENT TAXES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be—

(A) 6.2 percent on the portion of net earnings from self-employment subject to 1401(a) during the payroll tax period that does not exceed the amount of the excess of $5 million over total remuneration, if any, subject to section 3111(a) paid during the payroll tax holiday period to employees of the self-employed person, and

(B) 9.3 percent for any portion of net earnings from self-employment not subject to subsection (b)(1)(A).

(2) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—For purposes of the Internal Revenue Code of 1986, in the case of any taxable year which begins in the payroll tax holiday period—

(A) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—The deduction allowed under section 1402(a)(12) of such Code shall be the sum of (i) 4.55 percent times the amount of the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section, plus (ii) 7.65 percent of the taxpayer's net earnings from self-employment in excess of that amount.

(B) INDIVIDUAL DEDUCTION.—The deduction under section 164(f) of such Code shall be equal to the sum of (i) one-half of the taxes imposed by section 1401 (after the application of this section) with respect to the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section plus (ii) 62.7 percent of the taxes imposed by section 1401 (after the application of this section) with respect to the excess.

(c) REGULATORY AUTHORITY.—The Secretary may prescribe any such regulations or other guidance necessary or appropriate to carry out this section, including the allocation of the excess of $5 million over total remuneration subject to section 3111(a) paid during the payroll tax holiday period among related taxpayers treated as a single qualified employer.

(d) DEFINITIONS.—

(1) PAYROLL TAX HOLIDAY PERIOD.—The term ''payroll tax holiday period'' means calendar year 2012.

(2) QUALIFIED EMPLOYER.—For purposes of this paragraph,

(A) IN GENERAL.—The term ''qualified employer'' means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding paragraph (A), the term ''qualified employer'' includes any employer which is a public institution of higher education (as

defined in section 101 of the Higher Education Act of 1965).

(3) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsections (a) and (b) to employers other than those described in (e)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a) to employers subject to the Railroad Retirement Tax. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(f) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

SEC. 102. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—Notwithstanding any other provision of law, each qualified employer shall be allowed, with respect to wages for services performed for such qualified employer, a payroll increase credit determined as follows:

(1) With respect to the period from October 1, 2011 through December 31, 2011, 6.2 percent of the excess, if any, (but not more than $12.5 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for the corresponding period of 2010.

(2) With respect to the period from January 1, 2012 through December 31, 2012,

(A) 6.2 percent of the excess, if any, (but not more than $50 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for calendar year 2011, minus

(B) 3.1 percent of the result (but not less than zero) of subtracting from $5 million such wages for calendar year 2011.

(3) In the case of a qualified employer for which the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 (a) were zero for the corresponding period of 2010 referred to in subsection (a)(1), the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for the period from October 1, 2011 through December 31, 2011 and (b) were zero for the calendar year 2011 referred to in subsection (a)(2), then the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for 2012.

(4) This subsection (a) shall only apply with respect to the wages of employees performing services in a trade or business of a qualified employer or, in the case of a qualified employer exempt from tax under section 501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(b) QUALIFIED EMPLOYERS.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified employer'' means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(2) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (1), the term ''qualified employer'' includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(c) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) of the Internal Revenue Code of 1986 shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(d) APPLICATION OF CREDITS.—The payroll increase credit shall be treated as a credit allowable under Subtitle C of the Internal Revenue Code of 1986 under rules prescribed by the Secretary of the Treasury, provided that the amount so treated for the period described in subsection (a)(1) or subsection (a)(2) shall not exceed the amount of tax imposed on the qualified employer under section 3111(a) of such Code for the relevant period. Any income tax deduction by a qualified employer for amounts paid under section 3111(a) of such Code or similar Railroad Retirement Tax provisions shall be reduced by the amounts so credited.

(e) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (d). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) APPLICATION TO RAILROAD RETIREMENT TAXES.—For purposes of qualified employers that are employers under section 3231(a) of the Internal Revenue Code of 1986, subsections (a)(1) and (a)(2) of this section shall apply by substituting section 3221 for section 3111, and substituting the term ''compensation'' for ''wages'' as appropriate.

Subtitle B—Other Relief for Businesses

SEC. 111. EXTENSION OF TEMPORARY 100 PERCENT BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code is amended—

(1) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013'', and

(2) by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 168(k) of the Internal Revenue Code is amended by striking ''PRE–2012 PERIODS'' and inserting ''PRE–2013 PERIODS''.

SEC. 112. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

(c) SUNSET.—The amendments made by subsections (a) and (b) of this section shall remain in effect until September 30, 2012.

(d) FUNDING.—There is appropriated out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until expended, for additional capital for the Surety Bond Guarantees Revolving Fund, as authorized by the Small Business Investment Act of 1958, as amended.

SEC. 113. DELAY IN APPLICATION OF WITHHOLDING ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

SEC. 201. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Section 51(d)(3)(A) of the Internal Revenue Code is amended by striking ''or'' at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 15 as follows—

''(15) CREDIT ALLOWED FOR UNEMPLOYED VETERANS.—

''(A) IN GENERAL.—Any qualified veteran under paragraphs (3)(A)(ii)(II), (3)(A)(iii), and (3)(A)(iv) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

''(i) in the case of qualified veterans under paragraphs (3)(A)(ii)(II) and (3)(A)(iv), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date; or

''(ii) in the case of a qualified veteran under paragraph (3)(A)(iii), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.''.

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word ''No'' at the beginning of the section and replacing it with ''Except as provided in this subsection, no'';

(2) the following new paragraphs are inserted at the end of section 52(c)—

''(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

''(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified veterans described in sections 51(d)(3)(A)(ii)(II), (iii) or (iv); or

''(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(2) CREDIT AMOUNT.—In calculating for tax-exempt employers, the work opportunity credit shall be determined by substituting '26 percent' for '40 percent' in section 51(a) and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

''(3) TAX-EXEMPT EMPLOYER.—For purposes of this subpart, the term 'tax-exempt employer' means an employer that is—

''(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

''(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

''(4) PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

''(ii) amounts required to be withheld from such employees under section 3101(a), and

''(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111(a).''.

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term ''possession of the United States'' includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Teacher Stabilization

SEC. 202. PURPOSE.

The purpose of this subtitle is to provide funds to States to prevent teacher layoffs and support the creation of additional jobs in public early childhood, elementary, and secondary education in the 2011–2012 and 2012–2013 school years.

SEC. 203. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR; AVAILABILITY OF FUNDS.

(a) RESERVATION OF FUNDS.—From the amount appropriated to carry out this subtitle under section 212, the Secretary—

(1) shall reserve up to one-half of one percent to provide assistance to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this part under such terms and conditions as the Secretary may determine;

(2) shall reserve up to one-half of one percent to provide assistance to the Secretary of the Interior to carry out activities consistent with this part, in schools operated or funded by the Bureau of Indian Education; and

(3) may reserve up to $2,000,000 for administration and oversight of this part, including program evaluation.

(b) AVAILABILITY OF FUNDS.—Funds made available under section 212 shall remain available to the Secretary until September 30, 2012.

SEC. 204. STATE ALLOCATION.

(a) ALLOCATION.—After reserving funds under section 203(a), the Secretary shall allocate to the States—

(1) 60 percent on the basis of their relative population of individuals aged 5 through 17; and

(2) 40 percent on the basis of their relative total population.

(b) AWARDS.—From the funds allocated under subsection (a), the Secretary shall make a grant to the Governor of each State who submits an approvable application under section 214.

(c) ALTERNATE DISTRIBUTION OF FUNDS.—

(1) If, within 30 days after the date of enactment of this Act, a Governor has not submitted an approvable application to the Secretary, the Secretary shall, consistent with paragraph (2), provide for funds allocated to that State to be distributed to another entity or other entities in the State for the support of early childhood, elementary, and secondary education, under such terms and conditions as the Secretary may establish.

(2) MAINTENANCE OF EFFORT.—

(A) GOVERNOR ASSURANCE.—The Secretary shall not allocate funds under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2012 and 2013 meet the requirements of section 209.

(B) Notwithstanding subparagraph (A), the Secretary may allocate up to 50 percent of the funds that are available to the State under paragraph (1) to another entity or entities in the State, provided that the State educational agency submits data to the Secretary demonstrating that the State will for fiscal year 2012 meet the requirements of section 209(a) or the Secretary otherwise determines that the State will meet those requirements, or such comparable requirements as the Secretary may establish, for that year.

(3) REQUIREMENTS.—An entity that receives funds under paragraph (1) shall use those funds in accordance with the requirements of this subtitle.

(d) REALLOCATION.—If a State does not receive funding under this subtitle or only receives a portion of its allocation under subsection (c), the Secretary shall reallocate the State's entire allocation or the remaining portion of its allocation, as the case may be, to the remaining States in accordance with subsection (a).

SEC. 205. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this subtitle shall submit an application to the Secretary within 30 days of the date of enactment of this Act, in such manner, and containing such information as the Secretary may reasonably require to determine the State's compliance with applicable provisions of law.

SEC. 206. STATE RESERVATION AND RESPONSIBILITIES.

(a) RESERVATION.—Each State receiving a grant under section 204(b) may reserve—

(1) not more than 10 percent of the grant funds for awards to State-funded early learning programs; and

(2) not more than 2 percent of the grant funds for the administrative costs of carrying out its responsibilities under this subtitle.

(b) STATE RESPONSIBILITIES.—Each State receiving a grant under this subtitle shall, after reserving any funds under subsection (a)—

(1) use the remaining grant funds only for awards to local educational agencies for the support of early childhood, elementary, and secondary education; and

(2) distribute those funds, through subgrants, to its local educational agencies by distributing—

(A) 60 percent on the basis of the local educational agencies' relative shares of enrollment; and

(B) 40 percent on the basis of the local educational agencies' relative shares of funds received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2011; and

(3) make those funds available to local educational agencies no later than 100 days after receiving a grant from the Secretary.

(c) PROHIBITIONS.—A State shall not use funds received under this subtitle to directly or indirectly—

(1) establish, restore, or supplement a rainy-day fund;

(2) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(3) reduce or retire debt obligations incurred by the State; or

(4) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

SEC. 207. LOCAL EDUCATIONAL AGENCIES.

Each local educational agency that receives a subgrant under this subtitle—

(1) shall use the subgrant funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, recall or rehire former employees, or hire new employees to provide early childhood, elementary, or secondary educational and related services;

(2) shall obligate those funds no later than September 30, 2013; and

(3) may not use those funds for general administrative expenses or for other support services or expenditures, as those terms are defined by the National Center for Education Statistics in the Common Core of Data, as of the date of enactment of this Act.

SEC. 208. EARLY LEARNING.

Each State-funded early learning program that receives funds under this subtitle shall—

(1) use those funds only for compensation, benefits, and other expenses, such as support services, necessary to retain early childhood educators, recall or rehire former early childhood educators, or hire new early childhood educators to provide early learning services; and

(2) obligate those funds no later than September 30, 2013.

SEC. 209. MAINTENANCE OF EFFORT.

(a) The Secretary shall not allocate funds to a State under this subtitle unless the State provides an assurance to the Secretary that—

(1) for State fiscal year 2012—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2011; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2011; and

(2) for State fiscal year 2013—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2012; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2012.

(b) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the State.

SEC. 210. REPORTING.

Each State that receives a grant under this subtitle shall submit, on an annual basis, a report to the Secretary that contains—

(1) a description of how funds received under this part were expended or obligated; and

(2) an estimate of the number of jobs supported by the State using funds received under this subtitle.

SEC. 211. DEFINITIONS.

(a) Except as otherwise provided, the terms ''local educational agency'', ''outlying area'', ''Secretary'', ''State'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) The term ''State'' does not include an outlying area.

(c) The term ''early childhood educator'' means an individual who—

(1) works directly with children in a State-funded early learning program in a low-income community;

(2) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

(3) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

(d) The term ''State-funded early learning program'' means a program that provides educational services to children from birth to kindergarten entry and receives funding from the State.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, $30,000,000,000 to carry out this subtitle for fiscal year 2012.

Subtitle C—First Responder Stabilization

SEC. 213. PURPOSE.

The purpose of this subtitle is to provide funds to States and localities to prevent layoffs of, and support the creation of additional jobs for, law enforcement officers and other first responders.

SEC. 214. GRANT PROGRAM.

The Attorney General shall carry out a competitive grant program pursuant to section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for hiring, rehiring, or retention of career law enforcement officers under part Q of such title. Grants awarded under this section shall not be subject to subsections (g) or (i) of section 1701 or to section 1704 of such Act (42 U.S.C. 3796dd–3(c)).

SEC. 215. APPROPRIATIONS.

There are hereby appropriated to the Community Oriented Policing Stabilization Fund out of any money in the Treasury not otherwise obligated, $5,000,000,000, to remain available until September 30, 2012, of which $4,000,000,000 shall be for the Attorney General to carry out the competitive grant program under Section 214; and of which $1,000,000,000 shall be transferred by the Attorney General to a First Responder Stabilization Fund from which the Secretary of Homeland Security shall make competitive grants for hiring, rehiring, or retention pursuant to the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), to carry out section 34 of such Act (15 U.S.C. 2229a). In making such grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34. Of the amounts appropriated herein, not to exceed $8,000,000 shall be for administrative costs of the Attorney General, and not to exceed $2,000,000 shall be for administrative costs of the Secretary of Homeland Security.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

SEC. 221. PURPOSE.

The purpose of this part is to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts across America in order to support the achievement of improved educational outcomes in those schools.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, $25,000,000,000 to carry out this part, which shall be available for obligation by the Secretary until September 30, 2012.

SEC. 223. ALLOCATION OF FUNDS.

(a) RESERVATIONS.—Of the amount made available to carry out this part, the Secretary shall reserve—

(1) one-half of one percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 226 in schools operated or funded by the Bureau of Indian Education;

(2) one-half of one percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 226; and

(3) such funds as the Secretary determines are needed to conduct a survey, by the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States.

(b) STATE ALLOCATION.—After reserving funds under subsection (a), the Secretary shall allocate the remaining amount among the States in proportion to their respective allocations under part A of title I of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6311 et seq.) for fiscal year 2011, except that—

(1) the Secretary shall allocate 40 percent of such remaining amount to the 100 local educational agencies with the largest numbers of children aged 5–17 living in poverty, as determined using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, in proportion to those agencies' respective allocations under part A of title I of the ESEA for fiscal year 2011; and

(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in that State.

(c) REMAINING ALLOCATION.—

(1) If a State does not apply for its allocation (or applies for less than the full allocation for which it is eligible) or does not use that allocation in a timely manner, the Secretary may—

(A) reallocate all or a portion of that allocation to the other States in accordance with subsection (b); or

(B) use all or a portion of that allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I of the ESEA for fiscal year 2011 or such other method as the Secretary may determine.

(2) If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which it is eligible, or does not use that allocation in a timely manner, the Secretary may reallocate all or a portion of its allocation to the State in which that agency is located.

SEC. 224. STATE USE OF FUNDS.

(a) RESERVATION.—Each State that receives a grant under this part may reserve

not more than one percent of the State's allocation under section 223(b) for the purpose of administering the grant, except that no State may reserve more than $750,000 for this purpose.

(b) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) FORMULA SUBGRANTS.—From the grant funds that are not reserved under subsection (a), a State shall allocate at least 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 223(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I of the ESEA for fiscal year 2011, except that no such local educational agency shall receive less than $10,000.

(2) ADDITIONAL SUBGRANTS.—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 223(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most needed in the State, with priority given to projects in rural local educational agencies.

(c) REMAINING FUNDS.—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use that allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

SEC. 225. STATE AND LOCAL APPLICATIONS.

(a) STATE APPLICATION.—A State that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) an identification of the State agency or entity that will administer the program; and

(2) the State's process for determining how the grant funds will be distributed and administered, including—

(A) how the State will determine the criteria and priorities in making subgrants under section 224(b)(2);

(B) any additional criteria the State will use in determining which projects it will fund under that section;

(C) a description of how the State will consider—

(i) the needs of local educational agencies for assistance under this part;

(ii) the impact of potential projects on job creation in the State;

(iii) the fiscal capacity of local educational agencies applying for assistance;

(iv) the percentage of children in those local educational agencies who are from low-income families; and

(v) the potential for leveraging assistance provided by this program through matching or other financing mechanisms;

(D) a description of how the State will ensure that the local educational agencies receiving subgrants meet the requirements of this part;

(E) a description of how the State will ensure that the State and its local educational agencies meet the deadlines established in section 228;

(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

(i) the LEED Green Building Rating System;

(ii) Energy Star;

(iii) the CHPS Criteria;

(iv) Green Globes; or

(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency;

(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this part; and

(H) such additional information and assurances as the Secretary may require.

(b) LOCAL APPLICATION.—A local educational agency that is eligible under section 223(b)(1) that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) a description of how the local educational agency will meet the deadlines and requirements of this part;

(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this part; and

(3) such additional information and assurances as the Secretary may require.

SEC. 226. USE OF FUNDS.

(a) IN GENERAL.—Funds awarded to local educational agencies under this part shall be used only for either or both of the following modernization, renovation, or repair activities in facilities that are used for elementary or secondary education or for early learning programs:

(1) Direct payments for school modernization, renovation, and repair.

(2) To pay interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

(c) PROHIBITION.—Funds awarded to local educational agencies under this part may not be used for—

(1) new construction;

(2) payment of routine maintenance costs; or

(3) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 227. PRIVATE SCHOOLS.

(a) IN GENERAL.—Section 9501 of the ESEA (20 U.S.C. 7881) shall apply to this part in the same manner as it applies to activities under that Act, except that—

(1) section 9501 shall not apply with respect to the title to any real property modernized, renovated, or repaired with assistance provided under this section;

(2) the term ''services'', as used in section 9501 with respect to funds under this part, shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include only—

(A) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(C) asbestos or polychlorinated biphenyls abatement or removal from school facilities; and

(3) expenditures for services provided using funds made available under section 226 shall be considered equal for purposes of section 9501(a)(4) of the ESEA if the per-pupil expenditures for services described in paragraph (2) for students enrolled in private nonprofit elementary and secondary schools that have child-poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this subpart for children enrolled in the public schools of the local educational agency receiving funds under this subpart.

(b) REMAINING FUNDS.—If the expenditure for services described in paragraph (2) is less than the amount calculated under paragraph (3) because of insufficient need for those services, the remainder shall be available to the local educational agency for modernization, renovation, and repair of its school facilities.

(c) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstance is judicially determined to be invalid, the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

SEC. 228. ADDITIONAL PROVISIONS.

(a) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 223(b)(1), by States reserving funds under section 224(a), and by local educational agencies receiving subgrants under section 224(b)(1) only during the period that ends 24 months after the date of enactment of this Act.

(b) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving subgrants under section 224(b)(2) only during the period that ends 36 months after the date of enactment of this Act.

(c) Section 439 of the General Education Provisions Act (20 U.S.C. 1232b) shall apply to funds available under this part.

(d) For purposes of section 223(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

PART II—COMMUNITY COLLEGE MODERNIZATION

SEC. 229. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (h), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

(2) ALLOCATION.—

(A) RESERVATIONS.—Of the amount made available to carry out this section, the Secretary shall reserve—

(i) up to 0.25 percent for grants to institutions that are eligible under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to provide for modernization, renovation, and repair activities described in this section; and

(ii) up to 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this section.

(B) ALLOCATION.—After reserving funds under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to any remaining funds as the total number of students in such State who are enrolled in institutions described in section 230(b)(1)(A) plus the number of students who are estimated to be enrolled in and pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree in institutions described in section 230(b)(1)(B),

based on the proportion of degrees or certificates awarded by such institutions that are not bachelor's, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System bears to the estimated total number of such students in all States, except that no State shall receive less than $2,500,000.

(C) REALLOCATION.—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

(D) STATE ADMINISTRATION.—A State that receives a grant under this section may use not more than one percent of that grant to administer it, except that no State may use more than $750,000 of its grant for this purpose.

(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

(1) how the funds provided under this section will improve instruction at community colleges in the State and will improve the ability of those colleges to educate and train students to meet the workforce needs of employers in the State; and

(2) the projected start of each project and the estimated number of persons to be employed in the project.

(c) PROHIBITED USES OF FUNDS.—

(1) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of routine maintenance costs;

(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(2) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) GREEN PROJECTS.—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified, verified, or consistent with the applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria, as applicable;

(4) Green Globes; or

(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(e) APPLICATION OF GEPA.—Section 439 of the General Education Provisions Act such Act (20 U.S.C. 1232b) shall apply to funds available under this subtitle.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant was, or will be, used;

(2) a description of the amount and nature of the assistance provided to each community college under this section; and

(3) the number of jobs created by the projects funded under this section.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965; 20 U.S.C. 1003) an annual report on the grants made under this section, including the information described in subsection (f).

(h) AVAILABILITY OF FUNDS.—

(1) There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), $5,000,000,000 for fiscal year 2012.

(2) Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of this Act.

PART III—GENERAL PROVISIONS

SEC. 230. DEFINITIONS.

(a) ESEA TERMS.—Except as otherwise provided, in this subtitle, the terms ''local educational agency'', ''Secretary'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ADDITIONAL DEFINITIONS.—The following definitions apply to this title:

(1) COMMUNITY COLLEGE.—The term ''community college'' means—

(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) MODERNIZATION, RENOVATION, AND REPAIR.—The term ''modernization, renovation and repair'' means—

(A) comprehensive assessments of facilities to identify—

(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and

(ii) needed facility improvements;

(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive ''green'' roofs); electrical wiring; water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

(D) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

(E) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

(F) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(G) retrofitting necessary to increase energy efficiency;

(H) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as ''green cleaning'' programs, to reduce or eliminate potential student or staff exposure to—

(i) volatile organic compounds;

(ii) particles such as dust and pollens; or

(iii) combustion gases;

(I) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(J) installation or upgrading of educational technology infrastructure;

(K) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, and geothermal systems, and energy audits;

(L) modernization, renovation, or repair activities related to energy efficiency and renewable energy, and improvements to building infrastructures to accommodate bicycle and pedestrian access;

(M) ground improvements, storm water management, landscaping and environmental clean-up when necessary;

(N) other modernization, renovation, or repair to—

(i) improve teachers' ability to teach and students' ability to learn;

(ii) ensure the health and safety of students and staff; or

(iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

(O) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (L).

(7) OUTLYING AREA.—The term ''outlying area'' means the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(8) STATE.—The term ''State'' means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 231. BUY AMERICAN.

Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) applies to funds made available under this title.

Subtitle E—Immediate Transportation Infrastrucure Investments

SEC. 241. IMMEDIATE TRANSPORTATION INFRASTRUCTURE INVESTMENTS.

(a) GRANTS-IN-AID FOR AIRPORTS.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $2,000,000,000 to carry out airport improvement under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act or in title 49, United States Code.

(3) DISTRIBUTION OF FUNDS.—Funds provided to the Secretary under this subsection shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title.

(4) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(5) ADMINISTRATIVE EXPENSES.—Of the funds made available under this subsection, 0.3 percent shall be available to the Secretary for administrative expenses, shall remain available for obligation until September 30, 2015, and may be used in conjunction with funds otherwise provided for the administration of the Grants-In-Aid for Airports program.

(b) NEXT GENERATION AIR TRAFFIC CONTROL ADVANCEMENTS.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $1,000,000,000 for necessary Federal Aviation Administration capital, research and operating costs to carry out Next Generation air traffic control system advancements.

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act.

(c) HIGHWAY INFRASTRUCTURE INVESTMENT.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $27,000,000,000 for restoration, repair, construction and other activities eligible under section 133(b) of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under section 601(a)(8) of title 23.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable on account of any project or activity carried out with funds made available under this subsection shall be, at the option of the recipient, up to 100 percent of the total cost thereof. The amount made available under this subsection shall not be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in any Act or in title 23, United States Code.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—Of the funds provided in this subsection, after making the set-asides required by paragraphs (9), (10), (11), (12), and (15), 50 percent of the funds shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2010 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division A of Public Law 111–117.

(5) APPORTIONMENT.—Apportionments under paragraph (4) shall be made not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each State an amount equal to 50 percent of the funds apportioned under paragraph (4) to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this subparagraph in the manner described in section 120(c) of division A of Public Law 111–117.

(B) One year following the date of apportionment, the Secretary shall withdraw from each recipient of funds apportioned under paragraph (4) any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this paragraph (excluding funds suballocated within the State) in the manner described in section 120(c) of division A of Public Law 111–117.

(C) At the request of a State, the Secretary may provide an extension of the one-year period only to the extent that the Secretary determines that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary notify in writing the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works, providing a thorough justification for the extension.

(7) TRANSPORTATION ENHANCEMENTS.—Three percent of the funds apportioned to a State under paragraph (4) shall be set aside for the purposes described in section 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005).

(8) SUBALLOCATION.—Thirty percent of the funds apportioned to a State under this subsection shall be suballocated within the State in the manner and for the purposes described in the first sentence of sections 133(d)(3)(A), 133(d)(3)(B), and 133(d)(3)(D) of title 23, United States Code. Such suballocation shall be conducted in every State. Funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided by paragraph (6)(A).

(9) PUERTO RICO AND TERRITORIAL HIGHWAY PROGRAMS.—Of the funds provided under this subsection, $105,000,000 shall be set aside for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and $45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code.

(10) FEDERAL LANDS AND INDIAN RESERVATIONS.—Of the funds provided under this subsection, $550,000,000 shall be set aside for investments in transportation at Indian reservations and Federal lands in accordance with the following:

(A) Of the funds set aside by this paragraph, $310,000,000 shall be for the Indian Reservation Roads program, $170,000,000 shall be for the Park Roads and Parkways program, $60,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program.

(B) For investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act.

(C) One year following the enactment of this Act, to ensure the prompt use of the funding provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated.

(D) Up to four percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(E) Section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds set aside by this paragraph.

(11) JOB TRAINING.—Of the funds provided under this subsection, $50,000,000 shall be set aside for the development and administration of transportation training programs under section 140(b) title 23, United States Code.

(A) Funds set aside under this subsection shall be competitively awarded and used for the purpose of providing training, apprenticeship (including Registered Apprenticeship), skill development, and skill improvement programs, as well as summer transportation institutes and may be transferred to, or administered in partnership with, the Secretary of Labor and shall demonstrate to the Secretary of Transportation program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome metrics, such as job placement and job retention rates, established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Investment Act;

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter; and

(vi) identification of areas of collaboration with the Department of Labor programs, including co-enrollment.

(B) To be eligible to receive a competitively awarded grant under this subsection, a State must certify that at least 0.1 percent of the amounts apportioned under the Surface Transportation Program and Bridge

Program will be obligated in the first fiscal year after enactment of this Act for job training activities consistent with section 140(b) of title 23, United States Code.

(12) DISADVANTAGED BUSINESS ENTERPRISES.—Of the funds provided under this subsection, $10,000,000 shall be set aside for training programs and assistance programs under section 140(c) of title 23, United States Code. Funds set aside under this paragraph should be allocated to businesses that have proven success in adding staff while effectively completing projects.

(13) STATE PLANNING AND OVERSIGHT EXPENSES.—Of amounts apportioned under paragraph (4) of this subsection, a State may use up to 0.5 percent for activities related to projects funded under this subsection, including activities eligible under sections 134 and 135 of title 23, United States Code, State administration of subgrants, and State oversight of subrecipients.

(14) CONDITIONS.—

(A) Funds made available under this subsection shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code.

(B) Funds made available under this subsection shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code.

(C) Funding provided under this subsection shall be in addition to any and all funds provided for fiscal years 2011 and 2012 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act.

(D) Section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this subsection.

(15) OVERSIGHT.—The Administrator of the Federal Highway Administration may set aside up to 0.15 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2015.

(d) CAPITAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $4,000,000,000 for grants for high-speed rail projects as authorized under sections 26104 and 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, except that the Administrator of the Federal Railroad Administration may retain up to one percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this subsection, which retained amount shall remain available for obligation until September 30, 2015.

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) FEDERAL SHARE.—The Federal share payable of the costs for which a grant or cooperative agreements is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(4) INTERIM GUIDANCE.—The Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this subsection pursuant to that guidance until final regulations are issued.

(5) INTERCITY PASSENGER RAIL CORRIDORS.—Not less than 85 percent of the funds provided under this subsection shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors.

(6) CONDITIONS.—

(A) In addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this subsection, subsections 24402(a)(2), 24402(i), and 24403 (a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this subsection.

(B) A project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this subsection.

(C) Recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

(e) CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—

(1) IN GENERAL.—There is made available $2,000,000,000 to enable the Secretary of Transportation to make capital grants to the National Railroad Passenger Corporation (Amtrak), as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432).

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) PROJECT PRIORITY.—The priority for the use of funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock.

(4) CONDITIONS.—

(A) None of the funds under this subsection shall be used to subsidize the operating losses of Amtrak.

(B) The funds provided under this subsection shall be awarded not later than 90 days after the date of enactment of this Act.

(C) The Secretary shall take measures to ensure that projects funded under this subsection shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources. The Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding sentence.

(5) OVERSIGHT.—The Administrator of the Federal Railroad Administration may set aside 0.5 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available in this subsection, and such funds shall be available through September 30, 2015.

(f) TRANSIT CAPITAL ASSISTANCE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $3,000,000,000 for grants for transit capital assistance grants as defined by section 5302(a)(1) of title 49, United States Code. Notwithstanding any provision of chapter 53 of title 49, however, a recipient of funding under this subsection may use up to 10 percent of the amount provided for the operating costs of equipment and facilities for use in public transportation or for other eligible activities.

(2) FEDERAL SHARE; LIMTATION ON OBLIGATIONS.—The applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this subsection, except that the Federal share of the costs for which any grant is made under this subsection shall be, at the option of the recipient, up to 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for transit programs set forth in any Act or chapter 53 of title 49.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—The Secretary of Transportation shall—

(A) provide 80 percent of the funds appropriated under this subsection for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title;

(B) provide 10 percent of the funds appropriated under this subsection in accordance with section 5340 of such title; and

(C) provide 10 percent of the funds appropriated under this subsection for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section.

(5) APPORTIONMENT.—The funds apportioned under this subsection shall be apportioned not later than 21 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(C) At the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if the Secretary determines that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify in writing the Committee on Transportation and Infrastructure and the Committee on Banking, Housing and Urban Affairs, providing a thorough justification for the extension.

(7) CONDITIONS.—

(A) Of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1).

(B) Section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this subsection.

(C) The funds appropriated under this subsection shall not be comingled with any prior year funds.

(8) OVERSIGHT.—Notwithstanding any other provision of law, 0.3 percent of the funds provided for grants under section 5307 and section 5340, and 0.3 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2015.

(g) STATE OF GOOD REPAIR.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $6,000,000,000 for capital expenditures as authorized by sections 5309(b) (2) and (3) of title 49, United States Code.

(2) FEDERAL SHARE.—The applicable requirements of chapter 53 of title 49, United States Code, shall apply, except that the Federal share of the costs for which a grant is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—

(A) The Secretary of Transportation shall apportion not less than 75 percent of the funds under this subsection for the modernization of fixed guideway systems, pursuant to the formula set forth in section 5336(b) title 49, United States Code, other than subsection (b)(2)(A)(ii).

(B) Of the funds appropriated under this subsection, not less than 25 percent shall be available for the restoration or replacement of existing public transportation assets related to bus systems, pursuant to the formula set forth in section 5336 other than subsection (b).

(5) APPORTIONMENT.—The funds made available under this subsection shall be apportioned not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph, utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(C) At the request of an urbanized area, the Secretary may provide an extension of the 1-year period if the Secretary finds that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Banking, Housing, and Urban Affairs, providing a thorough justification for the extension.

(7) CONDITIONS.—

(A) The provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this subsection.

(B) The funds appropriated under this subsection shall not be commingled with any prior year funds.

(8) OVERSIGHT.—Notwithstanding any other provision of law, 0.3 percent of the funds under this subsection shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2015.

(h) TRANSPORTATION INFRASTRUCTURE GRANTS AND FINANCING.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $5,000,000,000 for capital investments in surface transportation infrastructure. The Secretary shall distribute funds provided under this subsection as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) PROJECT ELIGIBILITY.—Projects eligible for funding provided under this subsection include—

(A) highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments;

(B) public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service;

(C) passenger and freight rail transportation projects; and

(D) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

(5) TIFIA PROGRAM.—The Secretary may transfer to the Federal Highway Administration funds made available under this subsection 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 subsection.

(6) PROJECT PRIORITY.—The Secretary shall give priority to projects that are expected to be completed within 3 years of the date of the enactment of this Act.

(7) DEADLINE FOR ISSUANCE OF COMPETITION CRITERIA.—The Secretary shall publish criteria on which to base the competition for any grants awarded under this subsection not later than 90 days after enactment of this Act. The Secretary shall require applications for funding provided under this subsection to be submitted not later than 180 days after the publication of the criteria, and announce all projects selected to be funded from such funds not later than 1 year after the date of the enactment of the Act.

(8) APPLICABILITY OF TITLE 40.—Each project conducted using funds provided under this subsection shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(9) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to one-half of one percent of the funds provided under this subsection, 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 Maritime Administration, to fund the award and oversight of grants made under this subsection. Funds retained shall remain available for obligation until September 30, 2015.

(i) LOCAL HIRING.—

(1) IN GENERAL.—In the case of the funding made available under subsections (a) through (h) of this section, the Secretary of Transportation may establish standards under which a contract for construction may be advertised that contains requirements for the employment of individuals residing in or adjacent to any of the areas in which the work is to be performed to perform construction work required under the contract, provided that—

(A) all or part of the construction work performed under the contract occurs in an area designated by the Secretary as an area of high unemployment, using data reported by the United States Department of Labor, Bureau of Labor Statistics;

(B) the estimated cost of the project of which the contract is a part is greater than $10 million, except that the estimated cost of the project in the case of construction funded under subsection (c) shall be greater than $50 million; and

(C) the recipient may not require the hiring of individuals who do not have the necessary skills to perform work in any craft or trade; provided that the recipient may require the hiring of such individuals if the recipient establishes reasonable provisions to train such individuals to perform any such work under the contract effectively.

(2) PROJECT STANDARDS.—

(A) IN GENERAL.—Any standards established by the Secretary under this section shall ensure that any requirements specified under subsection (c)(1)—

(i) do not compromise the quality of the project;

(ii) are reasonable in scope and application;

(iii) do not unreasonably delay the completion of the project; and

(iv) do not unreasonably increase the cost of the project.

(B) AVAILABLE PROGRAMS.—The Secretary shall make available to recipients the workforce development and training programs set forth in section 24604(e)(1)(D) of this title to assist recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C). The Secretary of Labor shall make available its qualifying workforce and training development programs to recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C).

(3) IMPLEMENTING REGULATIONS.—The Secretary shall promulgate final regulations to implement the authority of this subsection.

(j) ADMINISTRATIVE PROVISIONS.—

(1) APPLICABILITY OF TITLE 40.—Each project conducted using funds provided under this subtitle shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(2) BUY AMERICAN.—Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) applies

to each project conducted using funds provided under this subtitle.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

SEC. 242. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Building and Upgrading Infrastructure for Long-Term Development Act''.

SEC. 243. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) infrastructure has always been a vital element of the economic strength of the United States and a key indicator of the international leadership of the United States;

(2) the Erie Canal, the Hoover Dam, the railroads, and the interstate highway system are all testaments to American ingenuity and have helped propel and maintain the United States as the world's largest economy;

(3) according to the World Economic Forum's Global Competitiveness Report, the United States fell to second place in 2009, and dropped to fourth place overall in 2010, however, in the ''Quality of overall infrastructure'' category of the same report, the United States ranked twenty-third in the world;

(4) according to the World Bank's 2010 Logistic Performance Index, the capacity of countries to efficiently move goods and connect manufacturers and consumers with international markets is improving around the world, and the United States now ranks seventh in the world in logistics-related infrastructure behind countries from both Europe and Asia;

(5) according to a January 2009 report from the University of Massachusetts/Alliance for American Manufacturing entitled ''Employment, Productivity and Growth,'' infrastructure investment is a ''highly effective engine of job creation'';

(6) according to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated $2,200,000,000,000 investment is needed over the next 5 years to bring American infrastructure up to adequate condition;

(7) according to the National Surface Transportation Policy and Revenue Study Commission, $225,000,000,000 is needed annually from all sources for the next 50 years to upgrade the United States surface transportation system to a state of good repair and create a more advanced system;

(8) the current infrastructure financing mechanisms of the United States, both on the Federal and State level, will fail to meet current and foreseeable demands and will create large funding gaps;

(9) published reports state that there may not be enough demand for municipal bonds to maintain the same level of borrowing at the same rates, resulting in significantly decreased infrastructure investment at the State and local level;

(10) current funding mechanisms are not readily scalable and do not—

(A) serve large in-State or cross jurisdiction infrastructure projects, projects of regional or national significance, or projects that cross sector silos;

(B) sufficiently catalyze private sector investment; or

(C) ensure the optimal return on public resources;

(11) although grant programs of the United States Government must continue to play a central role in financing the transportation, environment, and energy infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion clearly exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States ability to sustain long-term economic development, productivity, and international competitiveness;

(12) the capital markets, including pension funds, private equity funds, mutual funds, sovereign wealth funds, and other investors, have a growing interest in infrastructure investment and represent hundreds of billions of dollars of potential investment; and

(13) the establishment of a United States Government-owned, independent, professionally managed institution that could provide credit support to qualified infrastructure projects of regional and national significance, making transparent merit-based investment decisions based on the commercial viability of infrastructure projects, would catalyze the participation of significant private investment capital.

(b) PURPOSE.—The purpose of this Act is to facilitate investment in, and long-term financing of, economically viable infrastructure projects of regional or national significance in a manner that both complements existing Federal, State, local, and private funding sources for these projects and introduces a merit-based system for financing such projects, in order to mobilize significant private sector investment, create jobs, and ensure United States competitiveness through an institution that limits the need for ongoing Federal funding.

SEC. 244. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) AIFA.—The term ''AIFA'' means the American Infrastructure Financing Authority established under this Act.

(2) BLIND TRUST.—The term ''blind trust'' means a trust in which the beneficiary has no knowledge of the specific holdings and no rights over how those holdings are managed by the fiduciary of the trust prior to the dissolution of the trust.

(3) BOARD OF DIRECTORS.—The term ''Board of Directors'' means Board of Directors of AIFA.

(4) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board of Directors of AIFA.

(5) CHIEF EXECUTIVE OFFICER.—The term ''chief executive officer'' means the chief executive officer of AIFA, appointed under section 247.

(6) COST.—The term ''cost'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) DIRECT LOAN.—The term ''direct loan'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) ELIGIBLE ENTITY.—The term ''eligible entity'' means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, State, or other non-Federal governmental entity, including a political subdivision or any other instrumentality of a State, or a revolving fund.

(9) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term ''eligible infrastructure project'' means any non-Federal transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act.

(B) TRANSPORTATION INFRASTRUCTURE PROJECT.—The term ''transportation infrastructure project'' means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors:

(i) Highway or road.

(ii) Bridge.

(iii) Mass transit.

(iv) Inland waterways.

(v) Commercial ports.

(vi) Airports.

(vii) Air traffic control systems.

(viii) Passenger rail, including high-speed rail.

(ix) Freight rail systems.

(C) WATER INFRASTRUCTURE PROJECT.—The term ''water infrastructure project'' means the construction, consolidation, alteration, or repair of the following subsectors:

(i) Waterwaste treatment facility.

(ii) Storm water management system.

(iii) Dam.

(iv) Solid waste disposal facility.

(v) Drinking water treatment facility.

(vi) Levee.

(vii) Open space management system.

(D) ENERGY INFRASTRUCTURE PROJECT.—The term ''energy infrastructure project'' means the construction, alteration, or repair of the following subsectors:

(i) Pollution reduced energy generation.

(ii) Transmission and distribution.

(iii) Storage.

(iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

(E) BOARD AUTHORITY TO MODIFY SUBSECTORS.—The Board of Directors may make modifications, at the discretion of the Board, to the subsectors described in this paragraph by a vote of not fewer than 5 of the voting members of the Board of Directors.

(10) INVESTMENT PROSPECTUS.—

(A) The term ''investment prospectus'' means the processes and publications described below that will guide the priorities and strategic focus for the Bank's investments. The investment prospectus shall follow rulemaking procedures under section 553 of title 5, United States Code.

(B) The Bank shall publish a detailed description of its strategy in an Investment Prospectus within one year of the enactment of this subchapter. The Investment Prospectus shall—

(i) specify what the Bank shall consider significant to the economic competitiveness of the United States or a region thereof in a manner consistent with the primary objective;

(ii) specify the priorities and strategic focus of the Bank in forwarding its strategic objectives and carrying out the Bank strategy;

(iii) specify the priorities and strategic focus of the Bank in promoting greater efficiency in the movement of freight;

(iv) specify the priorities and strategic focus of the Bank in promoting the use of innovation and best practices in the planning, design, development and delivery of projects;

(v) describe in detail the framework and methodology for calculating application qualification scores and associated ranges as specified in this subchapter, along with the data to be requested from applicants and the mechanics of calculations to be applied to that data to determine qualification scores and ranges;

(vi) describe how selection criteria will be applied by the Chief Executive Officer in determining the competitiveness of an application and its qualification score and range relative to other current applications and previously funded applications; and

(vii) describe how the qualification score and range methodology and project selection framework are consistent with maximizing the Bank goals in both urban and rural areas.

(C) The Investment Prospectus and any subsequent updates thereto shall be approved by a majority vote of the Board of Directors prior to publication.

(D) The Bank shall update the Investment Prospectus on every biennial anniversary of its original publication.

(11) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, or higher assigned to an infrastructure project by a ratings agency.

(12) LOAN GUARANTEE.—The term ''loan guarantee'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(13) PUBLIC-PRIVATE PARTNERSHIP.—The term ''public-private partnership'' means any eligible entity—

(A)(i) which is undertaking the development of all or part of an infrastructure project that will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State;

(B) which owns, leases, or operates or will own, lease, or operate, the project in whole or in part; and

(C) the participants in which include not fewer than 1 nongovernmental entity with significant investment and some control over the project or project vehicle.

(14) RURAL INFRASTRUCTURE PROJECT.—The term ''rural infrastructure project'' means an infrastructure project in a rural area, as that term is defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

(15) SECRETARY.—Unless the context otherwise requires, the term ''Secretary'' means the Secretary of the Treasury or the designee thereof.

(16) SENIOR MANAGEMENT.—The term ''senior management'' means the chief financial officer, chief risk officer, chief compliance officer, general counsel, chief lending officer, and chief operations officer of AIFA established under section 249, and such other officers as the Board of Directors may, by majority vote, add to senior management.

(17) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

SEC. 245. ESTABLISHMENT AND GENERAL AUTHORITY OF AIFA.

(a) ESTABLISHMENT OF AIFA.—The American Infrastructure Financing Authority is established as a wholly owned Government corporation.

(b) GENERAL AUTHORITY OF AIFA.—AIFA shall provide direct loans and loan guarantees to facilitate infrastructure projects that are both economically viable and of regional or national significance, and shall have such other authority, as provided in this Act.

(c) INCORPORATION.—

(1) IN GENERAL.—The Board of Directors first appointed shall be deemed the incorporator of AIFA, and the incorporation shall be held to have been effected from the date of the first meeting of the Board of Directors.

(2) CORPORATE OFFICE.—AIFA shall—

(A) maintain an office in Washington, DC; and

(B) for purposes of venue in civil actions, be considered to be a resident of Washington, DC.

(d) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall take such action as may be necessary to assist in implementing AIFA, and in carrying out the purpose of this Act.

(e) RULE OF CONSTRUCTION.—Chapter 91 of title 31, United States Code, does not apply to AIFA, unless otherwise specifically provided in this Act.

SEC. 246. VOTING MEMBERS OF THE BOARD OF DIRECTORS.

(a) VOTING MEMBERSHIP OF THE BOARD OF DIRECTORS.—

(1) IN GENERAL.—AIFA shall have a Board of Directors consisting of 7 voting members appointed by the President, by and with the advice and consent of the Senate, not more than 4 of whom shall be from the same political party.

(2) CHAIRPERSON.—One of the voting members of the Board of Directors shall be designated by the President to serve as Chairperson thereof.

(3) CONGRESSIONAL RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each submit a recommendation to the President for appointment of a member of the Board of Directors, after consultation with the appropriate committees of Congress.

(b) VOTING RIGHTS.—Each voting member of the Board of Directors shall have an equal vote in all decisions of the Board of Directors.

(c) QUALIFICATIONS OF VOTING MEMBERS.—Each voting member of the Board of Directors shall—

(1) be a citizen of the United States; and

(2) have significant demonstrated expertise in—

(A) the management and administration of a financial institution relevant to the operation of AIFA; or a public financial agency or authority; or

(B) the financing, development, or operation of infrastructure projects; or

(C) analyzing the economic benefits of infrastructure investment.

(d) TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, each voting member of the Board of Directors shall be appointed for a term of 4 years.

(2) INITIAL STAGGERED TERMS.—Of the voting members first appointed to the Board of Directors—

(A) the initial Chairperson and 3 of the other voting members shall each be appointed for a term of 4 years; and

(B) the remaining 3 voting members shall each be appointed for a term of 2 years.

(3) DATE OF INITIAL NOMINATIONS.—The initial nominations for the appointment of all voting members of the Board of Directors shall be made not later than 60 days after the date of enactment of this Act.

(4) BEGINNING OF TERM.—The term of each of the initial voting members appointed under this section shall commence immediately upon the date of appointment, except that, for purposes of calculating the term limits specified in this subsection, the initial terms shall each be construed as beginning on January 22 of the year following the date of the initial appointment.

(5) VACANCIES.—A vacancy in the position of a voting member of the Board of Directors shall be filled by the President, and a member appointed to fill a vacancy on the Board of Directors occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(e) MEETINGS.—

(1) OPEN TO THE PUBLIC; NOTICE.—Except as provided in paragraph (3), all meetings of the Board of Directors shall be—

(A) open to the public; and

(B) preceded by reasonable public notice.

(2) FREQUENCY.—The Board of Directors shall meet not later than 60 days after the date on which all members of the Board of Directors are first appointed, at least quarterly thereafter, and otherwise at the call of either the Chairperson or 5 voting members of the Board of Directors.

(3) EXCEPTION FOR CLOSED MEETINGS.—The voting members of the Board of Directors may, by majority vote, close a meeting to the public if, during the meeting to be closed, there is likely to be disclosed proprietary or sensitive information regarding an infrastructure project under consideration for assistance under this Act. The Board of Directors shall prepare minutes of any meeting that is closed to the public, and shall make such minutes available as soon as practicable, not later than 1 year after the date of the closed meeting, with any necessary redactions to protect any proprietary or sensitive information.

(4) QUORUM.—For purposes of meetings of the Board of Directors, 5 voting members of the Board of Directors shall constitute a quorum.

(f) COMPENSATION OF MEMBERS.—Each voting member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(g) CONFLICTS OF INTEREST.—A voting member of the Board of Directors may not participate in any review or decision affecting an infrastructure project under consideration for assistance under this Act, if the member has or is affiliated with an entity who has a financial interest in such project.

SEC. 247. CHIEF EXECUTIVE OFFICER OF AIFA.

(a) IN GENERAL.—The chief executive officer of AIFA shall be a nonvoting member of the Board of Directors, who shall be responsible for all activities of AIFA, and shall support the Board of Directors as set forth in this Act and as the Board of Directors deems necessary or appropriate.

(b) APPOINTMENT AND TENURE OF THE CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—The President shall appoint the chief executive officer, by and with the advice and consent of the Senate.

(2) TERM.—The chief executive officer shall be appointed for a term of 6 years.

(3) VACANCIES.—Any vacancy in the office of the chief executive officer shall be filled by the President, and the person appointed to fill a vacancy in that position occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(c) QUALIFICATIONS.—The chief executive officer—

(1) shall have significant expertise in management and administration of a financial institution, or significant expertise in the financing and development of infrastructure projects, or significant expertise in analyzing the economic benefits of infrastructure investment; and

(2) may not—

(A) hold any other public office;

(B) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(C) have any financial interest in an investment institution or its affiliates or any other entity seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust for the tenure of the service of the chief executive officer plus 2 additional years.

(d) RESPONSIBILITIES.—The chief executive officer shall have such executive functions, powers, and duties as may be prescribed by

this Act, the bylaws of AIFA, or the Board of Directors, including—

(1) responsibility for the development and implementation of the strategy of AIFA, including—

(A) the development and submission to the Board of Directors of the investment prospectus, the annual business plans and budget;

(B) the development and submission to the Board of Directors of a long-term strategic plan; and

(C) the development, revision, and submission to the Board of Directors of internal policies; and

(2) responsibility for the management and oversight of the daily activities, decisions, operations, and personnel of AIFA, including—

(A) the appointment of senior management, subject to approval by the voting members of the Board of Directors, and the hiring and termination of all other AIFA personnel;

(B) requesting the detail, on a reimbursable basis, of personnel from any Federal agency having specific expertise not available from within AIFA, following which request the head of the Federal agency may detail, on a reimbursable basis, any personnel of such agency reasonably requested by the chief executive officer;

(C) assessing and recommending in the first instance, for ultimate approval or disapproval by the Board of Directors, compensation and adjustments to compensation of senior management and other personnel of AIFA as may be necessary for carrying out the functions of AIFA;

(D) ensuring, in conjunction with the general counsel of AIFA, that all activities of AIFA are carried out in compliance with applicable law;

(E) overseeing the involvement of AIFA in all projects, including—

(i) developing eligible projects for AIFA financial assistance;

(ii) determining the terms and conditions of all financial assistance packages;

(iii) monitoring all infrastructure projects assisted by AIFA, including responsibility for ensuring that the proceeds of any loan made, guaranteed, or participated in are used only for the purposes for which the loan or guarantee was made;

(iv) preparing and submitting for approval by the Board of Directors the documents required under paragraph (1); and

(v) ensuring the implementation of decisions of the Board of Directors; and

(F) such other activities as may be necessary or appropriate in carrying out this Act.

(e) COMPENSATION.—

(1) IN GENERAL.—Any compensation assessment or recommendation by the chief executive officer under this section shall be without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

(2) CONSIDERATIONS.—The compensation assessment or recommendation required under this subsection shall take into account merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel.

SEC. 248. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall—

(1) as soon as is practicable after the date on which all members are appointed, approve or disapprove senior management appointed by the chief executive officer;

(2) not later than 180 days after the date on which all members are appointed—

(A) develop and approve the bylaws of AIFA, including bylaws for the regulation of the affairs and conduct of the business of AIFA, consistent with the purpose, goals, objectives, and policies set forth in this Act;

(B) establish subcommittees, including an audit committee that is composed solely of members of the Board of Directors who are independent of the senior management of AIFA;

(C) develop and approve, in consultation with senior management, a conflict-of-interest policy for the Board of Directors and for senior management;

(D) approve or disapprove internal policies that the chief executive officer shall submit to the Board of Directors, including—

(i) policies regarding the loan application and approval process, including—

(I) disclosure and application procedures to be followed by entities in the course of nominating infrastructure projects for assistance under this Act;

(II) guidelines for the selection and approval of projects;

(III) specific criteria for determining eligibility for project selection, consistent with title II; and

(IV) standardized terms and conditions, fee schedules, or legal requirements of a contract or program, so as to carry out this Act; and

(ii) operational guidelines; and

(E) approve or disapprove a multi-year or 1-year business plan and budget for AIFA;

(3) ensure that AIFA is at all times operated in a manner that is consistent with this Act, by—

(A) monitoring and assessing the effectiveness of AIFA in achieving its strategic goals;

(B) periodically reviewing internal policies;

(C) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(D) reviewing and approving annual reports submitted by the chief executive officer;

(E) engaging one or more external auditors, as set forth in this Act; and

(F) reviewing and approving all changes to the organization of senior management;

(4) appoint and fix, by a vote of 5 of the 7 voting members of the Board of Directors, and without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, the compensation and adjustments to compensation of all AIFA personnel, provided that in appointing and fixing any compensation or adjustments to compensation under this paragraph, the Board shall—

(A) consult with, and seek to maintain comparability with, other comparable Federal personnel;

(B) consult with the Office of Personnel Management; and

(C) carry out such duties consistent with merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel;

(5) establish such other criteria, requirements, or procedures as the Board of Directors may consider to be appropriate in carrying out this Act;

(6) serve as the primary liaison for AIFA in interactions with Congress, the Executive Branch, and State and local governments, and to represent the interests of AIFA in such interactions and others;

(7) approve by a vote of 5 of the 7 voting members of the Board of Directors any changes to the bylaws or internal policies of AIFA;

(8) have the authority and responsibility—

(A) to oversee entering into and carry out such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out this Act with—

(i) any Federal department or agency;

(ii) any State, territory, or possession (or any political subdivision thereof, including State infrastructure banks) of the United States; and

(iii) any individual, public-private partnership, firm, association, or corporation;

(B) to approve of the acquisition, lease, pledge, exchange, and disposal of real and personal property by AIFA and otherwise approve the exercise by AIFA of all of the usual incidents of ownership of property, to the extent that the exercise of such powers is appropriate to and consistent with the purposes of AIFA;

(C) to determine the character of, and the necessity for, the obligations and expenditures of AIFA, and the manner in which the obligations and expenditures will be incurred, allowed, and paid, subject to this Act and other Federal law specifically applicable to wholly owned Federal corporations;

(D) to execute, in accordance with applicable bylaws and regulations, appropriate instruments;

(E) to approve other forms of credit enhancement that AIFA may provide to eligible projects, as long as the forms of credit enhancements are consistent with the purposes of this Act and terms set forth in title II;

(F) to exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of AIFA;

(G) to sue or be sued in the corporate capacity of AIFA in any court of competent jurisdiction;

(H) to indemnify the members of the Board of Directors and officers of AIFA for any liabilities arising out of the actions of the members and officers in such capacity, in accordance with, and subject to the limitations contained in this Act;

(I) to review all financial assistance packages to all eligible infrastructure projects, as submitted by the chief executive officer and to approve, postpone, or deny the same by majority vote;

(J) to review all restructuring proposals submitted by the chief executive officer, including assignation, pledging, or disposal of the interest of AIFA in a project, including payment or income from any interest owned or held by AIFA, and to approve, postpone, or deny the same by majority vote; and

(K) to enter into binding commitments, as specified in approved financial assistance packages;

(9) delegate to the chief executive officer those duties that the Board of Directors deems appropriate, to better carry out the powers and purposes of the Board of Directors under this section; and

(10) to approve a maximum aggregate amount of outstanding obligations of AIFA at any given time, taking into consideration funding, and the size of AIFA's addressable market for infrastructure projects.

SEC. 249. SENIOR MANAGEMENT.

(a) IN GENERAL.—Senior management shall support the chief executive officer in the discharge of the responsibilities of the chief executive officer.

(b) APPOINTMENT OF SENIOR MANAGEMENT.—The chief executive officer shall appoint such senior managers as are necessary to carry out the purpose of AIFA, as approved by a majority vote of the voting members of the Board of Directors.

(c) TERM.—Each member of senior management shall serve at the pleasure of the chief executive officer and the Board of Directors.

(d) REMOVAL OF SENIOR MANAGEMENT.—Any member of senior management may be removed, either by a majority of the voting members of the Board of Directors upon request by the chief executive officer, or otherwise by vote of not fewer than 5 voting members of the Board of Directors.

(e) SENIOR MANAGEMENT.—

(1) IN GENERAL.—Each member of senior management shall report directly to the chief executive officer, other than the Chief Risk Officer, who shall report directly to the Board of Directors.

(2) DUTIES AND RESPONSIBILITIES.—

(A) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer shall be responsible for all financial functions of AIFA, provided that, at the discretion of the Board of Directors, specific functions of the Chief Financial Officer may be delegated externally.

(B) CHIEF RISK OFFICER.—The Chief Risk Officer shall be responsible for all functions of AIFA relating to—

(i) the creation of financial, credit, and operational risk management guidelines and policies;

(ii) credit analysis for infrastructure projects;

(iii) the creation of conforming standards for infrastructure finance agreements;

(iv) the monitoring of the financial, credit, and operational exposure of AIFA; and

(v) risk management and mitigation actions, including by reporting such actions, or recommendations of such actions to be taken, directly to the Board of Directors.

(C) CHIEF COMPLIANCE OFFICER.—The Chief Compliance Officer shall be responsible for all functions of AIFA relating to internal audits, accounting safeguards, and the enforcement of such safeguards and other applicable requirements.

(D) GENERAL COUNSEL.—The General Counsel shall be responsible for all functions of AIFA relating to legal matters and, in consultation with the chief executive officer, shall be responsible for ensuring that AIFA complies with all applicable law.

(E) CHIEF OPERATIONS OFFICER.—The Chief Operations Officer shall be responsible for all operational functions of AIFA, including those relating to the continuing operations and performance of all infrastructure projects in which AIFA retains an interest and for all AIFA functions related to human resources.

(F) CHIEF LENDING OFFICER.—The Chief Lending Officer shall be responsible for—

(i) all functions of AIFA relating to the development of project pipeline, financial structuring of projects, selection of infrastructure projects to be reviewed by the Board of Directors, preparation of infrastructure projects to be presented to the Board of Directors, and set aside for rural infrastructure projects;

(ii) the creation and management of—

(I) a Center for Excellence to provide technical assistance to public sector borrowers in the development and financing of infrastructure projects; and

(II) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects; and

(iii) the establishment of guidelines to ensure diversification of lending activities by region, infrastructure project type, and project size.

(f) CHANGES TO SENIOR MANAGEMENT.—The Board of Directors, in consultation with the chief executive officer, may alter the structure of the senior management of AIFA at any time to better accomplish the goals, objectives, and purposes of AIFA, provided that the functions of the Chief Financial Officer set forth in subsection (e) remain separate from the functions of the Chief Risk Officer set forth in subsection (e).

(g) CONFLICTS OF INTEREST.—No individual appointed to senior management may—

(1) hold any other public office;

(2) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(3) have any financial interest in an investment institution or its affiliates, AIFA or its affiliates, or other entity then seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust during the term of service of that individual in a senior management position, and for a period of 2 years thereafter.

SEC. 250. SPECIAL INSPECTOR GENERAL FOR AIFA.

(a) IN GENERAL.—During the first 5 operating years of AIFA, the Office of the Inspector General of the Department of the Treasury shall have responsibility for AIFA.

(b) OFFICE OF THE SPECIAL INSPECTOR GENERAL.—Effective 5 years after the date of enactment of the commencement of the operations of AIFA, there is established the Office of the Special Inspector General for AIFA.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) HEAD OF OFFICE.—The head of the Office of the Special Inspector General for AIFA shall be the Special Inspector General for AIFA (in this Act referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) BASIS OF APPOINTMENT.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) TIMING OF NOMINATION.—The nomination of an individual as Special Inspector General shall be made as soon as is practicable after the effective date under subsection (b).

(4) REMOVAL.—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) RULE OF CONSTRUCTION.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) RATE OF PAY.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of AIFA.

(2) OTHER SYSTEMS, PROCEDURES, AND CONTROLS.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) ADDITIONAL DUTIES.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(e) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) ADDITIONAL AUTHORITY.—The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(f) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) ADDITIONAL OFFICERS.—

(A) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) The Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(2) RETENTION OF SERVICES.—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) ABILITY TO CONTRACT FOR AUDITS, STUDIES, AND OTHER SERVICES.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) REQUEST FOR INFORMATION.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REFUSAL TO COMPLY.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of the Treasury, without delay.

(g) REPORTS.—

(1) ANNUAL REPORT.—Not later than 1 year after the confirmation of the Special Inspector General, and every calendar year thereafter, the Special Inspector General shall submit to the President a report summarizing the activities of the Special Inspector General during the previous 1-year period ending on the date of such report.

(2) PUBLIC DISCLOSURES.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

SEC. 251. OTHER PERSONNEL.

Except as otherwise provided in the bylaws of AIFA, the chief executive officer, in consultation with the Board of Directors, shall appoint, remove, and define the duties of such qualified personnel as are necessary to carry out the powers, duties, and purpose of AIFA, other than senior management, who

shall be appointed in accordance with section 249.

SEC. 252. COMPLIANCE.

The provision of assistance by the Board of Directors pursuant to this Act shall not be construed as superseding any provision of State law or regulation otherwise applicable to an infrastructure project.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

SEC. 253. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM AIFA AND TERMS AND LIMITATIONS OF LOANS.

(a) IN GENERAL.—Any project whose use or purpose is private and for which no public benefit is created shall not be eligible for financial assistance from AIFA under this Act. Financial assistance under this Act shall only be made available if the applicant for such assistance has demonstrated to the satisfaction of the Board of Directors that the infrastructure project for which such assistance is being sought—

(1) is not for the refinancing of an existing infrastructure project; and

(2) meets—

(A) any pertinent requirements set forth in this Act;

(B) any criteria established by the Board of Directors or chief executive officer in accordance with this Act; and

(C) the definition of a transportation infrastructure project, water infrastructure project, or energy infrastructure project.

(b) CONSIDERATIONS.—The criteria established by the Board of Directors pursuant to this Act shall provide adequate consideration of—

(1) the economic, financial, technical, environmental, and public benefits and costs of each infrastructure project under consideration for financial assistance under this Act, prioritizing infrastructure projects that—

(A) contribute to regional or national economic growth;

(B) offer value for money to taxpayers;

(C) demonstrate a clear and significant public benefit;

(D) lead to job creation; and

(E) mitigate environmental concerns;

(2) the means by which development of the infrastructure project under consideration is being financed, including—

(A) the terms, conditions, and structure of the proposed financing;

(B) the credit worthiness and standing of the project sponsors, providers of equity, and cofinanciers;

(C) the financial assumptions and projections on which the infrastructure project is based; and

(D) whether there is sufficient State or municipal political support for the successful completion of the infrastructure project;

(3) the likelihood that the provision of assistance by AIFA will cause such development to proceed more promptly and with lower costs than would be the case without such assistance;

(4) the extent to which the provision of assistance by AIFA maximizes the level of private investment in the infrastructure project or supports a public-private partnership, while providing a significant public benefit;

(5) the extent to which the provision of assistance by AIFA can mobilize the participation of other financing partners in the infrastructure project;

(6) the technical and operational viability of the infrastructure project;

(7) the proportion of financial assistance from AIFA;

(8) the geographic location of the project in an effort to have geographic diversity of projects funded by AIFA;

(9) the size of the project and its impact on the resources of AIFA;

(10) the infrastructure sector of the project, in an effort to have projects from more than one sector funded by AIFA; and

(11) encourages use of innovative procurement, asset management, or financing to minimize the all-in-life-cycle cost, and improve the cost-effectiveness of a project.

(c) APPLICATION.—

(1) IN GENERAL.—Any eligible entity seeking assistance from AIFA under this Act for an eligible infrastructure project shall submit an application to AIFA at such time, in such manner, and containing such information as the Board of Directors or the chief executive officer may require.

(2) REVIEW OF APPLICATIONS.—AIFA shall review applications for assistance under this Act on an ongoing basis. The chief executive officer, working with the senior management, shall prepare eligible infrastructure projects for review and approval by the Board of Directors.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the infrastructure project obligations.

(d) ELIGIBLE INFRASTRUCTURE PROJECT COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to be eligible for assistance under this Act, an infrastructure project shall have project costs that are reasonably anticipated to equal or exceed $100,000,000.

(2) RURAL INFRASTRUCTURE PROJECTS.—To be eligible for assistance under this Act a rural infrastructure project shall have project costs that are reasonably anticipated to equal or exceed $25,000,000.

(e) LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.—

(1) IN GENERAL.—The amount of a direct loan or loan guarantee under this Act shall not exceed the lesser of 50 percent of the reasonably anticipated eligible infrastructure project costs or, if the direct loan or loan guarantee does not receive an investment grade rating, the amount of the senior project obligations.

(2) MAXIMUM ANNUAL LOAN AND LOAN GUARANTEE VOLUME.—The aggregate amount of direct loans and loan guarantees made by AIFA in any single fiscal year may not exceed—

(A) during the first 2 fiscal years of the operations of AIFA, $10,000,000,000;

(B) during fiscal years 3 through 9 of the operations of AIFA, $20,000,000,000; or

(C) during any fiscal year thereafter, $50,000,000,000.

(f) STATE AND LOCAL PERMITS REQUIRED.—The provision of assistance by the Board of Directors pursuant to this Act shall not be deemed to relieve any recipient of such assistance, or the related infrastructure project, of any obligation to obtain required State and local permits and approvals.

SEC. 254. LOAN TERMS AND REPAYMENT.

(a) IN GENERAL.—A direct loan or loan guarantee under this Act with respect to an eligible infrastructure project shall be on such terms, subject to such conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the chief executive officer determines appropriate.

(b) TERMS.—A direct loan or loan guarantee under this Act—

(1) shall—

(A) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations (such as availability payments and dedicated State or local revenues); and

(B) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(2) may have a lien on revenues described in paragraph (1), subject to any lien securing project obligations.

(c) BASE INTEREST RATE.—The base interest rate on a direct loan under this Act shall be not less than the yield on United States Treasury obligations of a similar maturity to the maturity of the direct loan.

(d) RISK ASSESSMENT.—Before entering into an agreement for assistance under this Act, the chief executive officer, in consultation with the Director of the Office of Management and Budget and considering rating agency preliminary or final rating opinion letters of the project under this section, shall estimate an appropriate Federal credit subsidy amount for each direct loan and loan guarantee, taking into account such letter, as well as any comparable market rates available for such a loan or loan guarantee, should any exist. The final credit subsidy cost for each loan and loan guarantee shall be determined consistent with the Federal Credit Reform Act, 2 U.S.C. 661a et seq.

(e) CREDIT FEE.—With respect to each agreement for assistance under this Act, the chief executive officer may charge a credit fee to the recipient of such assistance to pay for, over time, all or a portion of the Federal credit subsidy determined under subsection (d), with the remainder paid by the account established for AIFA; provided, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government. In the case of a direct loan, such credit fee shall be in addition to the base interest rate established under subsection (c).

(f) MATURITY DATE.—The final maturity date of a direct loan or loan guaranteed by AIFA under this Act shall be not later than 35 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer.

(g) RATING OPINION LETTER.—

(1) IN GENERAL.—The chief executive officer shall require each applicant for assistance under this Act to provide a rating opinion letter from at least 1 ratings agency, indicating that the senior obligations of the infrastructure project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating.

(2) RURAL INFRASTRUCTURE PROJECTS.—With respect to a rural infrastructure project, a rating agency opinion letter described in paragraph (1) shall not be required, except that the loan or loan guarantee shall receive an internal rating score, using methods similar to the ratings agencies generated by AIFA, measuring the proposed direct loan or loan guarantee against comparable direct loans or loan guarantees of similar credit quality in a similar sector.

(h) INVESTMENT-GRADE RATING REQUIREMENT.—

(1) LOANS AND LOAN GUARANTEES.—The execution of a direct loan or loan guarantee under this Act shall be contingent on the senior obligations of the infrastructure project receiving an investment-grade rating.

(2) RATING OF AIFA OVERALL PORTFOLIO.—The average rating of the overall portfolio of AIFA shall be not less than investment grade after 5 years of operation.

(i) TERMS AND REPAYMENT OF DIRECT LOANS.—

(1) SCHEDULE.—The chief executive officer shall establish a repayment schedule for each direct loan under this Act, based on the projected cash flow from infrastructure project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this Act shall commence not later than 5 years after the date of substantial completion of the infrastructure project,

as determined by the chief executive officer of AIFA.

(3) DEFERRED PAYMENTS OF DIRECT LOANS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of an infrastructure project assisted under this Act, the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act, the chief executive officer may allow the obligor to add unpaid principal and interest to the outstanding balance of the direct loan, if the result would benefit the taxpayer.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest, in accordance with the terms of the obligation, until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the infrastructure project meeting criteria established by the Board of Directors.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT OF DIRECT LOANS.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the infrastructure project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations under this Act may be applied annually to prepay the direct loan, without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A direct loan under this Act may be prepaid at any time, without penalty, from the proceeds of refinancing from non-Federal funding sources.

(5) SALE OF DIRECT LOANS.—

(A) IN GENERAL.—As soon as is practicable after substantial completion of an infrastructure project assisted under this Act, and after notifying the obligor, the chief executive officer may sell to another entity, or reoffer into the capital markets, a direct loan for the infrastructure project, if the chief executive officer determines that the sale or reoffering can be made on favorable terms for the taxpayer.

(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the chief executive officer may not change the original terms and conditions of the direct loan, without the written consent of the obligor.

(j) LOAN GUARANTEES.—

(1) TERMS.—The terms of a loan guaranteed by AIFA under this Act shall be consistent with the terms set forth in this section for a direct loan, except that the rate on the guaranteed loan and any payment, pre-payment, or refinancing features shall be negotiated between the obligor and the lender, with the consent of the chief executive officer.

(2) GUARANTEED LENDER.—A guaranteed lender shall be limited to those lenders meeting the definition of that term in section 601(a) of title 23, United States Code.

(k) COMPLIANCE WITH FCRA—IN GENERAL.—Direct loans and loan guarantees authorized by this Act shall be subject to the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as amended.

SEC. 255. COMPLIANCE AND ENFORCEMENT.

(a) CREDIT AGREEMENT.—Notwithstanding any other provision of law, each eligible entity that receives assistance under this Act from AIFA shall enter into a credit agreement that requires such entity to comply with all applicable policies and procedures of AIFA, in addition to all other provisions of the loan agreement.

(b) AIFA AUTHORITY ON NONCOMPLIANCE.—In any case in which a recipient of assistance under this Act is materially out of compliance with the loan agreement, or any applicable policy or procedure of AIFA, the Board of Directors may take action to cancel unutilized loan amounts, or to accelerate the repayment terms of any outstanding obligation.

(c) Nothing in this Act is intended to affect existing provisions of law applicable to the planning, development, construction, or operation of projects funded under the Act.

SEC. 256. AUDITS; REPORTS TO THE PRESIDENT AND CONGRESS.

(a) ACCOUNTING.—The books of account of AIFA shall be maintained in accordance with generally accepted accounting principles, and shall be subject to an annual audit by independent public accountants of nationally recognized standing appointed by the Board of Directors.

(b) REPORTS.—

(1) BOARD OF DIRECTORS.—Not later than 90 days after the last day of each fiscal year, the Board of Directors shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the operations of AIFA, for such fiscal year;

(B) a schedule of the obligations of AIFA and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(C) the status of infrastructure projects receiving funding or other assistance pursuant to this Act during such fiscal year, including all nonperforming loans, and including disclosure of all entities with a development, ownership, or operational interest in such infrastructure projects;

(D) a description of the successes and challenges encountered in lending to rural communities, including the role of the Center for Excellence and the Office of Rural Assistance established under this Act; and

(E) an assessment of the risks of the portfolio of AIFA, prepared by an independent source.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an evaluation of, and shall submit to Congress a report on, activities of AIFA for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded infrastructure project, including a review of how effectively each such infrastructure project accomplished the goals prioritized by the infrastructure project criteria of AIFA.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—AIFA shall maintain adequate books and records to support the financial transactions of AIFA, with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each such project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of AIFA shall at all times be open to inspection by the Secretary of the Treasury, the Special Inspector General, and the Comptroller General of the United States.

PART III—FUNDING OF AIFA

SEC. 257. ADMINISTRATIVE FEES.

(a) IN GENERAL.—In addition to fees that may be collected under section 254(e), the chief executive officer shall establish and collect fees from eligible funding recipients with respect to loans and loan guarantees under this Act that—

(1) are sufficient to cover all or a portion of the administrative costs to the Federal Government for the operations of AIFA, including the costs of expert firms, including counsel in the field of municipal and project finance, and financial advisors to assist with underwriting, credit analysis, or other independent reviews, as appropriate;

(2) may be in the form of an application or transaction fee, or other form established by the CEO; and

(3) may be based on the risk premium associated with the loan or loan guarantee, taking into consideration—

(A) the price of United States Treasury obligations of a similar maturity;

(B) prevailing market conditions;

(C) the ability of the infrastructure project to support the loan or loan guarantee; and

(D) the total amount of the loan or loan guarantee.

(b) AVAILABILITY OF AMOUNTS.—Amounts collected under subsections (a)(1), (a)(2), and (a)(3) shall be available without further action; provided further, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government.

SEC. 258. EFFICIENCY OF AIFA.

The chief executive officer shall, to the extent possible, take actions consistent with this Act to minimize the risk and cost to the taxpayer of AIFA activities. Fees and premiums for loan guarantee or insurance coverage will be set at levels that minimize administrative and Federal credit subsidy costs to the Government, as defined in Section 502 of the Federal Credit Reform Act of 1990, as amended, of such coverage, while supporting achievement of the program's objectives, consistent with policies as set forth in the Business Plan.

SEC. 259. FUNDING.

There is hereby appropriated to AIFA to carry out this Act, for the cost of direct loans and loan guarantees subject to the limitations under Section 253, and for administrative costs, $10,000,000,000, to remain available until expended; Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Federal Credit Reform Act of 1990, as amended; Provided further, that of this amount, not more than $25,000,000 for each of fiscal years 2012 through 2013, and not more than $50,000,000 for fiscal year 2014 may be used for administrative costs of AIFA; provided further, that not more than 5 percent of such amount shall be used to offset subsidy costs associated with rural projects. Amounts authorized shall be available without further action.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

SEC. 260. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2013''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, 2011, AND 2012''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2013''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, 2011, AND 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle G—Project Rebuild

SEC. 261. PROJECT REBUILD.

(a) DIRECT APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $15,000,000,000, to remain available until September 30, 2014, for assistance to eligible entities including States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), and qualified nonprofit organizations, businesses or consortia of eligible entities for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated, two thirds shall be allocated to States and units of general local government based on a funding formula established by the Secretary of Housing and Urban Development (in this subtitle referred to as the ''Secretary''). Of the amounts appropriated, one third shall be distributed competitively to eligible entities.

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established and the Secretary shall announce formula funding allocations, not later than 30 days after the date of enactment of this section.

(3) FORMULA CRITERIA.—The Secretary may establish a minimum grant size, and the funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes in default or delinquency in each State or unit of general local government; and

(C) other factors such as established program designs, grantee capacity and performance, number and percentage of commercial foreclosures, overall economic conditions, and other market needs data, as determined by the Secretary.

(4) COMPETITION CRITERIA.—

(A) For the funds distributed competitively, eligible entities shall be States, units of general local government, nonprofit entities, for-profit entities, and consortia of eligible entities that demonstrate capacity to use funding within the period of this program.

(B) In selecting grantees, the Secretary shall ensure that grantees are in areas with the greatest number and percentage of residential and commercial foreclosures and other market needs data, as determined by the Secretary. Additional award criteria shall include demonstrated grantee capacity to execute projects involving acquisition and rehabilitation or redevelopment of foreclosed residential and commercial property and neighborhood stabilization, leverage, knowledge of market conditions and of effective stabilization activities to address identified conditions, and any additional factors determined by the Secretary.

(C) The Secretary may establish a minimum grant size; and

(D) The Secretary shall publish competition criteria for any grants awarded under this heading not later than 60 days after appropriation of funds, and applications shall be due to the Secretary within 120 days.

(c) USE OF FUNDS.—

(1) OBLIGATION AND EXPENDITURE.—The Secretary shall obligate all funding within 150 days of enactment of this Act. Any eligible entity that receives amounts pursuant to this section shall expend all funds allocated to it within three years of the date the funds become available to the grantee for obligation. Furthermore, the Secretary shall by Notice establish intermediate expenditure benchmarks at the one and two year dates from the date the funds become available to the grantee for obligation.

(2) PRIORITIES.—

(A) JOB CREATION.—Each grantee or eligible entity shall describe how its proposed use of funds will prioritize job creation, and secondly, will address goals to stabilize neighborhoods, reverse vacancy, or increase or stabilize residential and commercial property values.

(B) TARGETING.—Any State or unit of general local government that receives formula amounts pursuant to this section shall, in distributing and targeting such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(i) with the greatest percentage of home foreclosures;

(ii) identified as likely to face a significant rise in the rate of residential or commercial foreclosures; and

(iii) with higher than national average unemployment rate.

(C) LEVERAGE.—Each grantee or eligible entity shall describe how its proposed use of funds will leverage private funds.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such properties;

(C) establish and operate land banks for properties that have been abandoned or foreclosed upon;

(D) demolish blighted structures;

(E) redevelop abandoned, foreclosed, demolished, or vacant properties; and

(F) engage in other activities, as determined by the Secretary through notice, that are consistent with the goals of creating jobs, stabilizing neighborhoods, reversing vacancy reduction, and increasing or stabilizing residential and commercial property values.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a property under this section shall be at a price not to exceed its current market value, taking into account its current condition.

(2) REHABILITATION.—Any rehabilitation of an eligible property under this section shall be to the extent necessary to comply with applicable laws, and other requirements relating to safety, quality, marketability, and habitability, in order to sell, rent, or redevelop such properties or provide a renewable energy source or sources for such properties.

(3) SALE OF HOMES.—If an abandoned or foreclosed-upon home is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, marketable, and habitable condition.

(4) ON DEMOLITION OF PUBLIC HOUSING.—Public housing, as defined at section 3(b)(6) of the United States Housing Act of 1937, may not be demolished with funds under this section.

(5) ON DEMOLITION ACTIVITIES.—No more than 10 percent of any grant made under this section may be used for demolition activities unless the Secretary determines that such use represents an appropriate response to local market conditions.

(6) ON USE OF FUNDS FOR NON-RESIDENTIAL PROPERTY.—No more than 30 percent of any grant made under this section may be used for eligible activities under subparagraphs (A), (B), and (E) of subsection (c)(3) that will not result in residential use of the property involved unless the Secretary determines that such use represents an appropriate response to local market conditions.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to eligible entities under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for an eligible entity to receive any amounts under this section.

(3) TENANT PROTECTIONS.—An eligible entity receiving a grant under this section shall comply with the 14th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd provisos of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5, 123 Stat. 218–19), as amended by section 1497(b)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 2211).

(4) VICINITY HIRING.—An eligible entity receiving a grant under this section shall comply with section 1497(a)(8) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 129 Stat. 2210).

(5) BUY AMERICAN.—Section 1605 of Title XVI—General Provisions of the American Recovery and Reinvestment Act of 2009—shall apply to amounts appropriated, revenues generated, and amounts otherwise made available to eligible entities under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering the program under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 or under title I of the Cranston-Gonzalez National Affordable Housing Act of 1990 (except for those provisions in these laws related to fair housing, nondiscrimination, labor standards, and the environment) for the purpose of expediting and facilitating the use of funds under this section.

(2) NOTICE.—The Secretary shall provide written notice of intent to the public via internet to exercise the authority to specify alternative requirements under paragraph.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of eligible properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the

maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed-upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) NATIONWIDE DISTRIBUTION OF RESOURCES.—Notwithstanding any other provision of this section or the amendments made by this section, each State shall receive not less than $20,000,000 of formula funds.

(h) LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.—No State or unit of general local government may use any amounts received pursuant to this section to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use, which shall not be construed to include economic development that primarily benefits private entities.

(i) LIMITATION ON DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) an organization which employs applicable individuals.

(2) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(j) RENTAL HOUSING PREFERENCES.—Each State and local government receiving formula amounts shall establish procedures to create preferences for the development of affordable rental housing.

(k) JOB CREATION.—If a grantee chooses to use funds to create jobs by establishing and operating a program to maintain eligible neighborhood properties, not more than 10 percent of any grant may be used for that purpose.

(l) PROGRAM SUPPORT AND CAPACITY BUILDING.—The Secretary may use up to 0.75 percent of the funds appropriated for capacity building of and support for eligible entities and grantees undertaking neighborhood stabilization programs, staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities.

(1) Funds set aside for the purposes of this subparagraph shall remain available until September 30, 2016;

(2) Any funds made available under this subparagraph and used by the Secretary for personnel expenses related to administering funding under this subparagraph shall be transferred to ''Personnel Compensation and Benefits, Community Planning and Development'';

(3) Any funds made available under this subparagraph and used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management, Community Planning and Development'' for non-personnel expenses; and

(4) Any funds made available under this subparagraph and used by the Secretary for technology shall be transferred to ''Working Capital Fund''.

(m) ENFORCEMENT AND PREVENTION OF FRAUD AND ABUSE.—The Secretary shall establish and implement procedures to prevent fraud and abuse of funds under this section, and shall impose a requirement that grantees have an internal auditor to continuously monitor grantee performance to prevent fraud, waste, and abuse. Grantees shall provide the Secretary and citizens with quarterly progress reports. The Secretary shall recapture funds from formula and competitive grantees that do not expend 100 percent of allocated funds within 3 years of the date that funds become available, and from underperforming or mismanaged grantees, and shall re-allocate those funds by formula to target areas with the greatest need, as determined by the Secretary through notice. The Secretary may take an alternative sanctions action only upon determining that such action is necessary to achieve program goals in a timely manner.

(n) The Secretary of Housing and Urban Development shall to the extent feasible conform policies and procedures for grants made under this section to the policies and practices already in place for the grants made under Section 2301 of the Housing and Economic Recovery Act of 2008; Division A, Title XII of the American Recovery and Reinvestment Act of 2009; or Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Subtitle H—National Wireless Initiative

SEC. 271. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 700 MHZ BAND.—The term ''700 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum frequencies from 758 megahertz to 763 megahertz and from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(5) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(6) CORPORATION.—The term ''Corporation'' means the Public Safety Broadband Corporation established in section 284.

(7) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''existing public safety broadband spectrum'' means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(8) FEDERAL ENTITY.—The term ''Federal entity'' has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(11) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(12) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(13) PUBLIC SAFETY SERVICES.—The term ''public safety services''—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 272. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Paragraph (1) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended by striking paragraph (1) and inserting the following:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use may receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.''.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) is amended by deleting and replacing subsection (B) with the following:

''(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or is assigned as a result of later legislation or other administrative direction.''.

(c) Paragraph (3) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended by striking it in its entirety and replacing it with the following:

''(3) DEFINITION OF RELOCATION AND SHARING COSTS.—For purposes of this subsection, the terms 'relocation costs' and 'sharing costs' mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology. Comparable capability of systems includes the acquisition of state-of-the-art replacement systems intended to meet

comparable operational scope, which may include incidental increases in functionality. Such costs include—

''(A) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

''(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary, which may be renewed, to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before relocation for the remaining estimated life of the system being relocated;

''(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with (i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs; (ii) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

''(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity's primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process;

''(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

''(F) the costs of the use of commercial systems and services (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease, subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.''.

(d) A new subsection (7) is added to Section 113(g) as follows:

''(7) SPECTRUM SHARING.—Federal entities are permitted to allow access to their frequency assignments by non-Federal entities upon approval of the terms of such access by NTIA, in consultation with the Office of Management and Budget. Such non-Federal entities must comply with all applicable rules of the Commission and NTIA, including any regulations promulgated pursuant to this section. Remuneration associated with such access shall be deposited into the Spectrum Relocation Fund. Federal entities that incur costs as a result of such access are eligible for payment from the Fund for the purposes specified in subsection (3) of this section. The revenue associated with such access must be at least 110 percent of the estimated Federal costs.''.

(e) Section 118 of such Act (47 U.S.C. 928) is amended by:

(1) In subsection (b), adding at the end, ''and any payments made by non-Federal entities for access to Federal spectrum pursuant to 47 U.S.C. 113(g)(7)'';

(2) replacing subsection (c) with the following:

''The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section (g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency. In addition, the amounts in the Fund from payments by non-Federal entities for access to Federal spectrum are authorized to be used to pay Federal costs associated with such sharing, as defined in section (g)(3) of this title. The Director of the Office of Management and Budget (OMB) may transfer at any time (including prior to any auction or contemplated auction, or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title. However, the Director may not transfer more than $100,000,000 associated with authorized pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund. Within the $100,000,000 that may be transferred before an auction, the Director of OMB may transfer up to $10,000,000 in total to eligible federal entities for eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title for costs incurred prior to the enactment of this legislation, but after June 28th, 2010. These amounts transferred pursuant to the previous proviso are in addition to amounts that the Director of OMB may transfer after the enactment of this legislation.'';

(3) amending subsection (d)(1) to add, ''and sharing'' before ''costs'';

(4) amending subsection (d)(2)(B) to add, ''and sharing'' before ''costs'', and adding at the end, ''and sharing'';

(5) replacing subsection (d)(3) with the following:

''Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the Committees on Appropriations and Energy and Commerce of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate at least 60 days in advance of the reversion of the funds to the general fund of the Treasury that such funds are needed to complete or to implement current or future relocations or sharing initiatives.'';

(6) amending subsection (e)(2) by adding ''and sharing'' before ''costs''; by adding ''or sharing'' before ''is complete''; and by adding ''or sharing'' before ''in accordance''; and

(7) adding a new subsection at the end thereof:

''(f) Notwithstanding subsections (c) through (e) of this section and after the amount specified in subsection (b), up to twenty percent of the amounts deposited in the Spectrum Relocation Fund from the auction of licenses following the date of enactment of this section for frequencies vacated by Federal entities, or up to twenty percent of the amounts paid by non-Federal entities for sharing of Federal spectrum, after the date of enactment are hereby appropriated and available at the discretion of the Director of the Office of Management and Budget, in consultation with the Assistant Secretary for Communications and Information, for payment to the eligible Federal entities, in addition to the relocation and sharing costs defined in paragraph (3) of subsection 923(g), for the purpose of encouraging timely access to those frequencies, provided that:

''(1) Such payments may be based on the market value of the spectrum, timeliness of clearing, and needs for agencies' essential missions;

''(2) Such payments are authorized for:

''(A) the purposes of achieving enhanced capabilities of systems that are affected by the activities specified in subparagraphs (A) through (F) of paragraph (3) of subsection 923(g) of this title; and

''(B) other communications, radar and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

''(3) The increase to the Fund due to any one auction after any payment is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

''(4) Payments to eligible entities must be based on the proceeds generated in the auction that an eligible entity participates in; and

''(5) Such payments will not be made until 30 days after the Director of OMB has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives.''.

(f) Subparagraph D of section 309 (j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended by adding '', after the retention of revenue described in subparagraph (B),'' before ''attributable'' and ''and frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in 47 U.S.C. 923(g)(2)'' before the first ''shall'' in the subparagraph.

(g) If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by sections 923 or 928 of Title 47 of the United States Code would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations the head of the executive agency shall notify the NTIA of that determination prior to release of such information. In that event, such information shall be included in a separate annex, as needed and to the extent the agency head determines is consistent with national security or law enforcement purposes. These annexes shall be provided to the appropriate subcommittee in accordance with applicable stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 273. INCENTIVE AUCTION AUTHORITY.

(a) Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by deleting ''and (E)'' and inserting ''(E) and (F)'' after ''subparagraphs (B), (D),''; and

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

''(F) Notwithstanding any other provision of law, if the Commission determines that it

is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of any auction proceeds that the Commission determines, in its discretion, are attributable to the spectrum usage rights voluntarily relinquished by such licensee. If the Commission also determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate; Provided, however, that with respect to frequency bands between 54 megahertz and 72 megahertz, 76 megahertz and 88 megahertz, 174 megahertz and 216 megahertz, and 470 megahertz and 698 megahertz ('the specified bands'), any spectrum made available for alternative use utilizing payments authorized under this subsection shall be assigned via the competitive bidding process until the winning bidders for licenses covering at least 84 megahertz from the specified bands deposit the full amount of their bids in accordance with the Commission's instructions. In addition, if more than 84 megahertz of spectrum from the specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available, provided that a majority of such additional spectrum is assigned via competitive bidding. Also, provided that in exercising the authority provided under this section:

''(i) The Chairman of the Commission, in consultation with the Director of OMB, shall notify the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives of the methodology for calculating such payments to licensees at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing; and

''(ii) Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this section and section 106 of this Act shall be deposited with the Public Safety Trust Fund established under section 217 of this Act.

''(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Incentive Auction Relocation Fund'.

''(ii) ADMINISTRATION.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the amounts deposited pursuant to this section.

''(iii) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 217 of this Act.

''(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

''(I) without fiscal year limitation;

''(II) for a period not to exceed 18 months following the later of—

''(aa) the completion of incentive auction from which such amounts were derived;

''(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); or

''(cc) the issuance of a construction permit by the Commission for a station to change channels, geographic locations, to collocate on the same channel or notification by a station to the Assistant Secretary that it is impacted by such a change; and

''(III) without further appropriation.

''(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

''(I) the reasonable costs of television broadcast stations that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

''(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.''.

SEC. 274. REQUIREMENTS WHEN REPURPOSING CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

To the extent that the Commission makes available terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, the Commission shall recover a significant portion of the value of such right either through the authority provided in section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or by section 278 of this subtitle.

SEC. 275. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)11 of the Communications Act of 1934 (47 U.S.C. 309 (j)(11)) is repealed.

SEC. 276. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

''(17) Notwithstanding any other provision of law, the Commission shall use competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. A service is defined to be predominantly for domestic satellite communications services if the majority of customers that may be served are located within the geographic boundaries of the United States. The Commission may, however, use an alternative approach to assignment of such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity. This paragraph shall be effective on the date of its enactment and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based television or radio services as of the effective date.''.

SEC. 277. DIRECTED AUCTION OF CERTAIN SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this subtitle, the Assistant Secretary shall identify and make available for immediate reallocation, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands'', to be made available for reallocation or sharing with incumbent Government operations.

(b) AUCTION.—Not later than January 31, 2016, the Commission shall conduct, in such combination as deemed appropriate by the Commission, the auctions of the following licenses covering at least the frequencies described in this section, by commencing the bidding for:

(1) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.

(2) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(3) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(4) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(5) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(6) At least 25 megahertz of spectrum between the frequencies of 1755 megahertz and 1850 megahertz, minus appropriate geographic exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to auction of spectrum frequencies identified in this paragraph.

(7) The Commission may substitute alternative spectrum frequencies for the spectrum frequencies identified in paragraphs (1) through (5) of this subsection, if the Commission determines that alternative spectrum would better serve the public interest and the Office of Management and Budget certifies that such alternative spectrum frequencies are reasonably expected to produce receipts comparable to auction of the spectrum frequencies identified in paragraphs (1) through (5) of this subsection.

(c) AUCTION ORGANIZATION.—The Commission may, if technically feasible and consistent with the public interest, combine the spectrum identified in paragraphs (4), (5), and the portion of paragraph (6) between the frequencies of 1755 megahertz and 1850 megahertz, inclusive, of subsection (b) in an auction of licenses for paired spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this subsection, the term ''covered spectrum'' means the portion of the electromagnetic spectrum between the frequencies of 3550 to 3650 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710

MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(2) IN GENERAL.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding or allocation to unlicensed use, minus appropriate exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

(A) IN GENERAL.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, then the President shall, within 1 year after the date of such determination—

(i) identify alternative bands of frequencies totaling more than 20 megahertz and no more than 100 megahertz of spectrum used primarily by Federal agencies that satisfy the requirements of clauses (i) and (ii) of paragraph (2)(B);

(ii) report to the appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

(iii) make such alternative spectrum for assignment immediately available for reallocation.

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this subtitle.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this subtitle.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking ''; and'' and inserting a semicolon; and

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

''(i) the deposits—

''(I) of successful bidders of any auction conducted pursuant to subparagraph (F) of section 106 of this act shall be paid to the Public Safety Trust Fund established under section 217 of such Act; and

''(II) of successful bidders of any other auction shall be paid to the Treasury;''.

SEC. 278. AUTHORITY TO ESTABLISH SPECTRUM LICENSE USER FEES.

Section 309 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

''(m) USE OF SPECTRUM LICENSE USER FEES.—For initial licenses or construction permits that are not granted through the use of competitive bidding as set forth in subsection (j), and for renewals or modifications of initial licenses or other authorizations, whether granted through competitive bidding or not, the Commission may, where warranted, establish, assess, and collect annual user fees on holders of spectrum licenses or construction permits, including their successors or assignees, in order to promote efficient and effective use of the electromagnetic spectrum.

''(1) REQUIRED COLLECTIONS.—The Commission shall collect at least the following amounts—

''(A) $200,000,000 in fiscal year 2012;

''(B) $300,000,000 in fiscal year 2013;

''(C) $425,000,000 in fiscal year 2014;

''(D) $550,000,000 in fiscal year 2015;

''(E) $550,000,000 in fiscal year 2016;

''(F) $550,000,000 in fiscal year 2017;

''(G) $550,000,000 in fiscal year 2018;

''(H) $550,000,000 in fiscal year 2019;

''(I) $550,000,000 in fiscal year 2020; and

''(J) $550,000,000 in fiscal year 2021.

''(2) DEVELOPMENT OF SPECTRUM FEE REGULATIONS.—

''(A) The Commission shall, by regulation, establish a methodology for assessing annual spectrum user fees and a schedule for collection of such fees on classes of spectrum licenses or construction permits or other instruments of authorization, consistent with the public interest, convenience and necessity. The Commission may determine over time different classes of spectrum licenses or construction permits upon which such fees may be assessed. In establishing the fee methodology, the Commission may consider the following factors:

''(i) the highest value alternative spectrum use forgone;

''(ii) scope and type of permissible services and uses;

''(iii) amount of spectrum and licensed coverage area;

''(iv) shared versus exclusive use;

''(v) level of demand for spectrum licenses or construction permits within a certain spectrum band or geographic area;

''(vi) the amount of revenue raised on comparable licenses awarded through an auction; and

''(vii) such factors that the Commission determines, in its discretion, are necessary to promote efficient and effective spectrum use.

''(B) In addition, the Commission shall, by regulation, establish a methodology for assessing annual user fees and a schedule for collection of such fees on entities holding Ancillary Terrestrial Component authority in conjunction with Mobile Satellite Service spectrum licenses, where the Ancillary Terrestrial Component authority was not assigned through use of competitive bidding. The Commission shall not collect less from the holders of such authority than a reasonable estimate of the value of such authority over its term, regardless of whether terrestrial services is actually provided during this term. In determining a reasonable estimate of the value of such authority, the Commission may consider factors listed in subsection (A).

''(C) Within 60 days of enactment of this Act, the Commission shall commence a rulemaking to develop the fee methodology and regulations. The Commission shall take all actions necessary so that it can collect fees from the first class or classes of spectrum license or construction permit holders no later than September 30, 2012.

''(D) The Commission, from time to time, may commence further rulemakings (separate from or in connection with other rulemakings or proceedings involving spectrum-based services, licenses, permits and uses) and modify the fee methodology or revise its rules required by paragraph (B) to add or modify classes of spectrum license or construction permit holders that must pay fees, and assign or adjust such fee as a result of the addition, deletion, reclassification or other change in a spectrum-based service or use, including changes in the nature of a spectrum-based service or use as a consequence of Commission rulemaking proceedings or changes in law. Any resulting changes in the classes of spectrum licenses, construction permits or fees shall take effect upon the dates established in the Commission's rulemaking proceeding in accordance with applicable law.

''(E) The Commission shall exempt from such fees holders of licenses for broadcast television and public safety services. The term 'emergency response providers' includes State, local, and tribal, emergency public safety, law enforcement, firefighter, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies and authorities.

''(3) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by this subsection.

''(4) REVOCATION OF LICENSE OR PERMIT.—The Commission may revoke any spectrum license or construction permit for a licensee's or permitee's failure to pay in a timely manner any fee or penalty to the Commission under this subsection. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

''(5) TREATMENT OF REVENUES.—All proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the General Fund of the Treasury.''.

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 281. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this subtitle.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking ''24'' in paragraph (1) and inserting ''34''; and

(2) by striking ''36'' in paragraph (2) and inserting ''26''.

SEC. 282. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the

Commission and the Corporation established in section 204 of this subtitle.

SEC. 283. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this subtitle, including section 290, the Commission shall grant a license to the Public Safety Broadband Corporation established under section 284 for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) RENEWAL OF LICENSE.—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the Corporation has met the duties and obligations set forth under this subtitle. A renewal license granted under this paragraph shall be for a term of not to exceed 15 years.

(c) FACILITATION OF TRANSITION.—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the Public Safety Broadband Corporation established under section 284.

SEC. 284. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) ESTABLISHMENT.—There is authorized to be established a private, nonprofit corporation, to be known as the ''Public Safety Broadband Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(b) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code).

(c) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(d) POWERS UNDER DC ACT.—In order to carry out the duties and activities of the Corporation, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(e) INCORPORATION.—The members of the initial Board of Directors of the Corporation shall serve as incorporators and shall take whatever steps that are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

SEC. 285. BOARD OF DIRECTORS OF THE CORPORATION.

(a) MEMBERSHIP.—The management of the Corporation shall be vested in a Board of Directors (referred to in this Title as the ''Board''), which shall consist of the following members:

(1) FEDERAL MEMBERS.—The following individuals, or their respective designees, shall serve as Federal members:

(A) The Secretary of Commerce.

(B) The Secretary of Homeland Security.

(C) The Attorney General of the United States.

(D) The Director of the Office of Management and Budget.

(2) NON-FEDERAL MEMBERS.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall appoint 11 individuals to serve as non-Federal members of the Board.

(B) STATE, TERRITORIAL, TRIBAL AND LOCAL GOVERNMENT INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should—

(i) appoint at least 3 individuals with significant expertise in the collective interests of State, territorial, tribal and local governments; and

(ii) seek to ensure geographic and regional representation of the United States in such appointments; and

(iii) seek to ensure rural and urban representation in such appointments.

(C) PUBLIC SAFETY INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint at least 3 individuals who have served or are currently serving as public safety professionals.

(D) REQUIRED QUALIFICATIONS.—

(i) IN GENERAL.—Each non-Federal member appointed under subparagraph (A) should meet at least 1 of the following criteria:

(I) PUBLIC SAFETY EXPERIENCE.—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications and cybersecurity.

(III) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(ii) EXPERTISE TO BE REPRESENTED.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint—

(I) at least one individual who satisfies the requirement under subclause (II) of clause (i);

(II) at least one individual who satisfies the requirement under subclause (III) of clause (i); and

(III) at least one individual who satisfies the requirement under subclause (IV) of clause (i).

(E) INDEPENDENCE.—

(i) IN GENERAL.—Each non-Federal member of the Board shall be independent and neutral and maintain a fiduciary relationship with the Corporation in performing his or her duties.

(ii) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this subparagraph, a member of the Board—

(I) may not, other than in his or her capacity as a member of the Board or any committee thereof—

(aa) accept any consulting, advisory, or other compensatory fee from the Corporation; or

(bb) be a person associated with the Corporation or with any affiliated company thereof; and

(II) shall be disqualified from any deliberation involving any transaction of the Corporation in which the Board member has a financial interest in the outcome of the transaction.

(F) NOT OFFICERS OR EMPLOYEES.—The non-Federal members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(G) CITIZENSHIP.—No individual other than a citizen of the United States may serve as a non-Federal member of the Board.

(H) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, the non-Federal members of the Board shall be required, prior to appointment, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) TERMS OF APPOINTMENT.—

(1) INITIAL APPOINTMENT DEADLINE.—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this subtitle.

(2) TERMS.—

(A) LENGTH.—

(i) FEDERAL MEMBERS.—Each Federal member of the Board shall serve as a member of the Board for the life of the Corporation while serving in their appointed capacity.

(ii) NON-FEDERAL MEMBERS.—The term of office of each non-Federal member of the Board shall be 3 years. No non-Federal member of the Board may serve more than 2 consecutive full 3-year terms.

(B) EXPIRATION OF TERM.—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) APPOINTMENT TO FILL VACANCY.—Any non-Federal member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) STAGGERED TERMS.—With respect to the initial non-Federal members of the Board—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 3 members shall serve for a term of 1 year.

(3) VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(c) CHAIR.—

(1) SELECTION.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall select, from among the members of the Board, an individual to serve for a 2-year term as Chair of the Board.

(2) CONSECUTIVE TERMS.—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(3) REMOVAL FOR CAUSE.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may remove the Chair of the Board and any non-Federal member for good cause.

(d) REMOVAL.—All members of the Board may by majority vote—

(1) remove any non-Federal member of the Board from office for conduct determined by the Board to be detrimental to the Board or Corporation; and

(2) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined by the Board to be detrimental to the Board or Corporation.

(e) MEETINGS.—

(1) FREQUENCY.—The Board shall meet in accordance with the bylaws of the Corporation—

(A) at the call of the Chairperson; and

(B) not less frequently than once each quarter.

(2) TRANSPARENCY.—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, to discuss security vulnerabilities when making those vulnerabilities public would increase risk to the network or otherwise materially threaten network operations, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(f) QUORUM.—Eight members of the Board shall constitute a quorum.

(g) BYLAWS.—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(h) ATTENDANCE.—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(i) PROHIBITION ON COMPENSATION.—Members of the Board of the Corporation shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

SEC. 286. OFFICERS, EMPLOYEES, AND COMMITTEES OF THE CORPORATION.

(a) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a Chief Executive Officer, and such other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board pursuant to this subsection. The Chief Executive Officer may name and appoint such employees as are necessary. All officers and employees shall serve at the pleasure of the Board.

(2) LIMITATION.—No individual other than a citizen of the United States may be an officer of the Corporation.

(3) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) COMPENSATION.—

(A) IN GENERAL.—The Board may hire and fix the compensation of employees hired under this subsection as may be necessary to carry out the purposes of the Corporation.

(B) APPROVAL BY COMPENSATION BY FEDERAL MEMBERS.—Notwithstanding any other provision of law, or any bylaw adopted by the Corporation, all rates of compensation, including benefit plans and salary ranges, for officers and employees of the Board, shall be jointly approved by the Federal members of the Board.

(C) LIMITATION ON OTHER COMPENSATION.—No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the officer or employee by the Corporation, unless unanimously approved by all voting members of the Corporation.

(5) SERVICE ON OTHER BOARDS.—Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.

(6) RULE OF CONSTRUCTION.—No officer or employee of the Board or of the Corporation shall be considered to be an officer or employee of the United States Government or of the government of the District of Columbia.

(7) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, at a minimum the Chief Executive Officer and any officers filling the roles normally titled as Chief Information Officers, Chief Information Security Officer, and Chief Operations Officer shall—

(A) be required, within six months of being hired, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) ADVISORY COMMITTEES.—The Board—

(1) shall establish a standing public safety advisory committee to assist the Board in carrying out its duties and responsibilities under this title; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the Board determines are necessary.

SEC. 287. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(c) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(d) PROHIBITION ON LOBBYING ACTIVITIES.—The Corporation shall not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

SEC. 288. POWERS, DUTIES, AND RESPONSIBILITIES OF THE CORPORATION.

(a) GENERAL POWERS.—The Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of its Board, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this title, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies, pursuant to guidelines established by the Director of the Office of Management and Budget.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To issue notes or bonds, which shall not be guaranteed or backed in any manner by the Government of the United States, to purchasers of such instruments in the private capital markets.

(9) To incur indebtedness, which shall be the sole liability of the Corporation and shall not be guaranteed or backed by the Government of the United States, to carry out the purposes of this Title.

(10) To spend funds under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this subtitle.

(11) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(12) To expend the funds placed in any reserve accounts established under paragraph (11) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this subtitle; or

(B) are otherwise approved by an Act of Congress.

(13) To build, operate and maintain the public safety interoperable broadband network.

(14) To take such other actions as the Corporation (through its Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this subtitle.

(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.—

(1) IN GENERAL.—The Corporation shall hold the single public safety wireless license granted under section 281 and take all actions necessary to ensure the building, deployment, and operation of a secure and resilient nationwide public safety interoperable broadband network in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 284(b)(1), including by—

(A) ensuring nationwide standards including encryption requirements for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network;

(C) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network; and

(D) establishing policies regarding Federal and public safety support use.

(2) INTEROPERABILITY, SECURITY AND STANDARDS.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyber intrusions or cyberattack;

(B) be informed of and manage supply chain risks to the network, including requirements to provide insight into the suppliers and supply chains for critical network components and to implement risk management best practice in network design, contracting, operations and maintenance;

(C) promote competition in the equipment market, including devices for public safety

communications, by requiring that equipment and devices for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used across the nationwide public safety broadband network operating in the 700 MHz band;

(iii) be able to be interchangeable with other vendors' equipment; and

(iv) backward-compatible with existing second and third generation commercial networks to the extent that such capabilities are necessary and technically and economically reasonable; and

(D) promote integration of the network with public safety answering points or their equivalent.

(3) RURAL COVERAGE.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation, consistent with the license granted under section 281, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.

(4) EXECUTION OF AUTHORITY.—In carrying out the duties and responsibilities of this subsection, the Corporation may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the Corporation; and

(ii) network infrastructure constructed, owned, or operated by the Corporation; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the Corporation shall take such actions as may be necessary, including the development of requests for proposals—

(A) request for proposals should include—

(i) build timetables, including by taking into consideration the time needed to build out to rural areas;

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical, operational and security requirements of the network and, as appropriate, network suppliers;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) training needs of entities operating on and personnel using such network.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposal and otherwise carrying out its responsibilities under this subtitle, the Corporation shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of an Evolved Packet Core or Cores and any Radio Access Network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the Corporation and the single officer or governmental body designated under section 294(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the Corporation shall enter into agreements to utilize, to the maximum economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The Corporation shall ensure through the maintenance, operation, and improvement of the nationwide public safety interoperable broadband network established under subsection (b), including by ensuring that the Corporation updates and revises any policies established under paragraph (1) to take into account new and evolving technologies and security concerns.

(5) ROAMING AGREEMENTS.—The Corporation shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety interoperable broadband users to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols, encryption requirements, and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety interoperable broadband network established under subsection (b).

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The Corporation, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 284(b)(1), shall represent the interests of public safety users of the nationwide public safety interoperable broadband network established under subsection (b) before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity regarding the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—Except as authorized by the President, the Corporation shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 289. INITIAL FUNDING FOR CORPORATION.

(a) NTIA PROVISION OF INITIAL FUNDING TO THE CORPORATION.—

(1) IN GENERAL.—Prior to the commencement of incentive auctions to be carried out under section 309(j)(8)(F) of the Communications Act of 1934 or the auction of spectrum pursuant to section 273 of this subtitle, the NTIA is hereby appropriated $50,000,000 for reasonable administrative expenses and other costs associated with the establishment of the Corporation, and that may be transferred as needed to the Corporation for expenses before the commencement of incentive auction: Provided, That funding shall expire on September 30, 2014.

(2) CONDITION OF FUNDING.—At the time of application for, and as a condition to, any such funding, the Corporation shall file with the NTIA a statement with respect to the anticipated use of the proceeds of this funding.

(3) NTIA APPROVAL.—If the NTIA determines that such funding is necessary for the Corporation to carry out its duties and responsibilities under this title and that Corporation has submitted a plan, then the NTIA shall notify the appropriate committees of Congress 30 days before each transfer of funds takes place.

SEC. 290. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—The Corporation shall have the authority to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety interoperable broadband network established under this title.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any non-Federal entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a ''covered leasing agreement'' means a written agreement between the Corporation and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any non-Federal entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the Corporation.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the Corporation in carrying out its duties and responsibilities described under this title for the fiscal year involved.

(c) REQUIRED REINVESTMENT OF FUNDS.—The Corporation shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, managing or improving the network.

SEC. 291. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited by the Comptroller General of the United

States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(3) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the Comptroller General shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the Corporation.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(B) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

SEC. 292. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the President and the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section; and

(2) such recommendations or proposals for legislative or administrative action as the Corporation deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The directors, officers, employees, and agents of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit made by the Comptroller General under section 291; or

(3) any other matter which such committees may determine appropriate.

SEC. 293. PROVISION OF TECHNICAL ASSISTANCE.

The Commission and the Departments of Homeland Security, Justice and Commerce may provide technical assistance to the Corporation and may take any action at the request of the Corporation in effectuating its duties and responsibilities under this title.

SEC. 294. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety interoperable broadband network established in this subtitle to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, identity management for public safety users and their devices, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the establishment of the bylaws of the Corporation pursuant to section 286 of this subtitle, the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

SEC. 295. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''State and Local Implementation Fund''.

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program authorized under section 294 of this subtitle using funds deposited in the State and Local Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State and Local Implementation Fund—

(1) any amounts specified in section 297; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the General Fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $100,000,000 to implement section 294.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the General Fund of the Treasury, with interest, for any amounts borrowed under subparagraph (1) as funds are deposited into the State and Local Implementation Fund.

SEC. 296. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—From amounts made available from the Public Safety Trust Fund established under section 297, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the Corporation and the public safety advisory committee established under section 286(b)(1), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety interoperable broadband network to be established under this title;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device ''talkaround'' standards for broadband networks, if necessary and practical, public safety prioritization, authentication capabilities, as well as a standard application programing interfaces for the nationwide public safety interoperable broadband network to be established under this title, if necessary and practical;

(5) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency and trustworthiness; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

(c) TRANSFER AUTHORITY.—If in the determination of the Director of NIST another Federal agency is better suited to carry out and oversee the research and development of any activity to be carried out in accordance with the requirements of this section, the Director may transfer any amounts provided under this section to such agency, including to the National Institute of Justice of the Department of Justice and the Department of Homeland Security.

SEC. 297. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Safety Trust Fund''.

(2) CREDITING OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 273 of this subtitle; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 273 of this subtitle.

(B) AVAILABILITY.—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2018. Upon the expiration of the period described in the prior sentence such amounts

shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) PAYMENT OF AUCTION INCENTIVE.—

(A) REQUIRED DISBURSALS.—Amounts in the Public Safety Trust Fund shall be used to make any required disbursal of payments to licensees required pursuant to clause (i) and subclause (IV) of clause (ii) of section 309(j)(8)(F) of the Communications Act of 1934.

(B) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—At least 3 months in advance of any incentive auction conducted pursuant to subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating the disbursal of payments to certain licensees required pursuant to clause (i) and subclauses (III) and (IV) of clause of (ii) of such section;

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum; and

(III) of the estimated payments to be made from the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(ii) DEFINITION.—In this clause, the term ''appropriate committees of Congress'' means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) INCENTIVE AUCTION RELOCATION FUND.—Not more than $1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(3) STATE AND LOCAL IMPLEMENTATION FUND.—$200,000,000 shall be deposited in the State and Local Implementation Fund established under section 294.

(4) PUBLIC SAFETY BROADBAND CORPORATION.—$6,450,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 284, of which pursuant to its responsibilities and duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network. Funds deposited with the Public Safety Broadband Corporation shall be available after submission of a five-year budget by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget and Attorney General of the United States.

(5) PUBLIC SAFETY RESEARCH AND DEVELOPMENT.—After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, a Wireless Innovation (WIN) Fund of up to $300,000,000 shall be made available for use by the Director of NIST to carry out the research program established under section 296 and be available until expended. If less than $300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation established in section 284 and be available for duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network.

(6) DEFICIT REDUCTION.—Any amounts remaining after the deduction of the amounts required under paragraphs (1) through (5) shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

SEC. 298. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 273(a).

SEC. 299. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety users to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Supporting Unemployed Workers Act of 2011''.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

SEC. 311. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(1) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(2) in the heading for subsection (b)(2), by striking ''January 3, 2012'' and inserting ''January 3, 2013''; and

(3) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

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

''(H) the amendments made by section 101 of the Supporting Unemployed Workers Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 312. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013'';

(2) in the heading for subsection (b)(2), by striking ''JANUARY 4, 2012'' and inserting ''JANUARY 4, 2013''; and

(3) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 9, 2013''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 502 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a) by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (b)(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 313. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note), is amended by inserting the following new subsection (h):

''(h) IN GENERAL.—

''(1) REQUIRED PROVISION OF SERVICES AND ACTIVITIES.—An agreement under this section shall require that the State provide reemployment services and reemployment and eligibility assessment activities to each individual receiving emergency unemployment compensation who, on or after the date that is 30 days after the date of enactment of the Supporting Unemployed Workers Act of 2011, establishes an account under section 4002(b), commences receiving the amounts described in section 4002(c), commences receiving the amounts described in section 4002(d), or commences receiving the amounts described in subsection 4002(e), whichever occurs first. Such services and activities shall be provided by the staff of the State agency responsible for administration of the State unemployment compensation law or the Wagner-Peyser Act from funds available pursuant to section 4004(c)(2) and may also be provided from funds available under the Wagner-Peyser Act.

''(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

''(A) shall include—

''(i) the provision of labor market and career information;

''(ii) an assessment of the skills of the individual;

''(iii) orientation to the services available through the One-Stop centers established under title I of the Workforce Investment Act of 1998;

''(iv) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops and may include referrals to appropriate training services; and

''(v) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

''(B) may include the provision of—

''(i) comprehensive and specialized assessments;

''(ii) individual and group career counseling; and

''(iii) additional reemployment services.

''(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate, or shall have completed participation in, such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or complete such services or activities, as defined in guidance to be issued by the Secretary of Labor.''.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility assessments activities required to be provided under the amendments made by paragraph (1).

(b) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) by striking ''There'' and inserting ''(1) ADMINISTRATION.—There''; and

(B) by inserting the following new paragraph:

''(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

''(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, out of the employment security administration account as established by section 901(a) of the Social Security Act, such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

''(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3), multiplied by

''(ii) $200.

''(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3), multiplied by

''(ii) $200.''.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) in paragraph (2), by striking the period and inserting ''; and''; and

(B) by inserting the following paragraph (3):

''(3) to the Employment Ssecurity Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).''.

SEC. 314. FEDERAL-STATE AGREEMENTS TO ADMINISTER A SELF-EMPLOYMENT ASSISTANCE PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 313, is further amended by inserting a new subsection (i) as follows:

''(i) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who meet the eligibility criteria specified in subsection (b).

''(B) PAYMENT OF ALLOWANCES.—The self-employment assistance allowance described in subparagraph (A) shall be paid for up to 26 weeks to an eligible individual from such individual's emergency unemployment compensation account described in section 4002, and the amount in such account shall be reduced accordingly.

''(2) DEFINITION OF 'SELF-EMPLOYMENT ASSISTANCE PROGRAM'.—For the purposes of this title, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), except as follows:

''(A) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)';

''(B) paragraph (3)(B) shall not apply;

''(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'' '(i) include any entrepreneurial training that the State may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(D) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(E) paragraph (5) shall not apply.

''(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who has received any emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 26 times the individual's average weekly benefit amount of emergency unemployment compensation.

''(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(A) TERMINATION.—An individual who is participating in a State's self-employment assistance program may opt to discontinue participation in such program.

''(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual whose participation in the self-employment assistance program is terminated as described in paragraph (1) or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under this title, shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.''.

SEC. 315. CONFORMING AMENDMENT ON PAYMENT OF BRIDGE TO WORK WAGES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 103, is further amended by inserting a new subsection (j) as follows:

''(j) AUTHORIZATION TO PAY WAGES FOR PURPOSES OF A BRIDGE TO WORK PROGRAM.—Any State that establishes a Bridge to Work program under section 204 of the Supporting Unemployed Workers Act of 2011 is authorized to deduct from an emergency unemployment compensation account established for such individual under section 4002 such sums as may be necessary to pay wages for such individual as authorized under section 204(b)(1) of such Act.''.

SEC. 316. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

PART II—REEMPLOYMENT NOW PROGRAM

SEC. 321. ESTABLISHMENT OF REEMPLOYMENT NOW PROGRAM.

(a) IN GENERAL.—There is hereby established the Reemployment NOW program to be carried out by the Secretary of Labor in accordance with this part in order to facilitate the reemployment of individuals who are receiving emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) (hereafter in this part referred to as ''EUC claimants'').

(b) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated and appropriated from the general fund of the Treasury for fiscal year 2012 $4,000,000,000 to carry out the Reemployment NOW program under this part.

SEC. 322. DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—Of the funds appropriated under section 321(b) to carry out this part, the Secretary of Labor shall—

(1) reserve up to 1 percent for the costs of Federal administration and for carrying out rigorous evaluations of the activities conducted under this part; and

(2) allot the remainder of the funds not reserved under paragraph (1) in accordance with the requirements of subsection (b) and (c) to States that have approved plans under section 323.

(b) ALLOTMENT FORMULA.—

(1) FORMULA FACTORS.—The Secretary of Labor shall allot the funds available under subsection (a)(2) as follows:

(A) two-thirds of such funds shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(B) one-third of such funds shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 27 weeks or more, compared to the total number of individuals in all States who have been unemployed for 27 weeks or more.

(2) CALCULATION.—For purposes of paragraph (1), the number of unemployed individuals and the number of individuals unemployed for 27 weeks or more shall be based on the data for the most recent 12-month period, as determined by the Secretary.

(c) REALLOTMENT.—

(1) FAILURE TO SUBMIT STATE PLAN.—If a State does not submit a State plan by the time specified in section 323(b), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under subsection (b) shall be allotted to States that receive approval of the State plan under section 323 in accordance with the relative allotments of such States as determined by the Secretary under subsection (b).

(2) FAILURE TO IMPLEMENT ACTIVITIES ON A TIMELY BASIS.—The Secretary of Labor may, in accordance with procedures and criteria established by the Secretary, recapture the portion of the State allotment under this part that remains unobligated if the Secretary determines such funds are not being obligated at a rate sufficient to meet the purposes of this part. The Secretary shall reallot such recaptured funds to other States that are not subject to recapture in accordance with the relative share of the allotments of such States as determined by the Secretary under subsection (b).

(3) RECAPTURE OF FUNDS.—Funds recaptured under paragraph (2) shall be available for reobligation not later than December 31, 2012.

SEC. 323. STATE PLAN.

(a) IN GENERAL.—For a State to be eligible to receive an allotment under section 322, a State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require, which at a minimum shall include—

(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including which of the activities authorized in sections 324–328 the State intends to carry out and an estimate of the amounts the State intends to allocate to the activities, respectively;

(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes;

(3) a description of coordination of activities to be carried out under this part with activities under title I of the Workforce Investment Act of 1998, the Wagner-Peyser Act, and other appropriate Federal programs;

(4) the timelines for implementation of the activities described in the plan and the number of EUC claimants expected to be enrolled in such activities by quarter;

(5) assurances that the State will participate in the evaluation activities carried out by the Secretary of Labor under this section;

(6) assurances that the State will provide appropriate reemployment services, including counseling, to any EUC claimant who participates in any of the programs authorized under this part; and

(7) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes and effects, which the Secretary determines are necessary to effectively monitor the activities carried out under this part.

(b) PLAN SUBMISSION AND APPROVAL.—A State plan under this section shall be submitted to the Secretary of Labor for approval not later than 30 days after the Secretary issues guidance relating to submission of such plan. The Secretary shall approve such plans if the Secretary determines that the plans meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

(c) PLAN MODIFICATIONS.—A State may submit modifications to a State plan that has been approved under this part, and the Secretary of Labor may approve such modifications, if the plan as modified would meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

SEC. 324. BRIDGE TO WORK PROGRAM.

(a) IN GENERAL.—A State may use funds allotted to the State under this part to establish and administer a Bridge to Work program described in this section.

(b) DESCRIPTION OF PROGRAM.—In order to increase individuals' opportunities to move to permanent employment, a State may establish a Bridge to Work program to provide an EUC claimant with short-term work experience placements with an eligible employer, during which time such individual—

(1) shall be paid emergency unemployment compensation payable under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as wages for work performed, and as specified in subsection (c);

(2) shall be paid the additional amount described in subsection (e) as augmented wages for work performed; and

(3) may be paid compensation in addition to the amounts described in paragraphs (1) and (2) by a State or by a participating employer as wages for work performed.

(c) PROGRAM ELIGIBILITY AND OTHER REQUIREMENTS.—For purposes of this program—

(1) individuals who, except for the requirements described in paragraph (3), are eligible to receive emergency unemployment compensation payments under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and who choose to participate in the program described in subsection (b), shall receive such payments as wages for work performed during their voluntary participation in the program described under subsection (b);

(2) the wages payable to individuals described in paragraph (1) shall be paid from the emergency unemployment compensation account for such individual as described in section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and the amount in such individual's account shall be reduced accordingly;

(3) the wages payable to an individual described in paragraph (1) shall be payable in the same amount, at the same interval, on the same terms, and subject to the same conditions under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), except that—

(A) State requirements applied under such Act relating to availability for work and active search for work are not applicable to such individuals who participate for at least 25 hours per week in the program described in subsection (b) for the duration of such individual's participation in the program;

(B) State requirements applied under such act relating to disqualifying income regarding wages earned shall not apply to such individuals who participate for at least 25 hours per week in the program described in subsection (b), and shall not apply with respect to—

(i) the wages described under subsection (b); and

(ii) any wages, in addition to those described under subsection (b), whether paid by a State or a participating employer for the same work activities;

(C) State prohibitions or limitations applied under such Act relating to employment status shall not apply to such individuals who participate in the program described in subsection (b); and

(D) State requirements applied under such Act relating to an individual's acceptance of an offer of employment shall not apply with regard to an offer of long-term employment from a participating employer made to such individual who is participating in the program described in subsection (b) in a work experience provided by such employer, where such long-term employment is expected to commence or commences at the conclusion of the duration specified in paragraph (4)(A);

(4) the program shall be structured so that individuals described in paragraph (1) may participate in the program for up to—

(A) 8 weeks, and

(B) 38 hours for each such week;

(5) a State shall ensure that all individuals participating in the program are covered by a workers' compensation insurance program; and

(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate in guidance issued by the Secretary.

(d) STATE REQUIREMENTS.—

(1) CERTIFICATION OF ELIGIBLE EMPLOYER.—A State may certify as eligible for participation in the program under this section any employer that meets the eligibility criteria as established in guidance by the Secretary of Labor, except that an employer shall not be certified as eligible for participation in the program described under subsection (b)—

(A) if such employer—

(i) is a Federal, State, or local government entity;

(ii) would engage an eligible individual in work activities under any employer's grant, contract, or subcontract with a Federal, State, or local government entity, except with regard to work activities under any employer's supply contract or subcontract;

(iii) is delinquent with respect to any taxes or employer contributions described under sections 3301 and 3303(a)(1) of the Internal

Revenue Code of 1986 or with respect to any related reporting requirements;

(iv) is engaged in the business of supplying workers to other employers and would participate in the program for the purpose of supplying individuals participating in the program to other employers; or

(v) has previously participated in the program and the State has determined that such employer has failed to abide by any of the requirements specified in subsections (h), (i), or (j), or by any other requirements that the Secretary may establish for employers under subsection (c)(6); and

(B) unless such employer provides assurances that it has not displaced existing workers pursuant to the requirements of subsection (h).

(2) AUTHORIZED ACTIVITIES.—Funds allotted to a State under this part for the program—

(A) shall be used to—

(i) recruit employers for participation in the program;

(ii) review and certify employers identified by eligible individuals seeking to participate in the program;

(iii) ensure that reemployment and counseling services are available for program participants, including services describing the program under subsection (b), prior to an individual's participation in such program;

(iv) establish and implement processes to monitor the progress and performance of individual participants for the duration of the program;

(v) prevent misuse of the program; and

(vi) pay augmented wages to eligible individuals, if necessary, as described in subsection (e); and

(B) may be used—

(i) to pay workers' compensation insurance premiums to cover all individuals participating in the program, except that, if a State opts not to make such payments directly to a State administered workers' compensation program, the State involved shall describe in the approved State plan the means by which such State shall ensure workers' compensation or equivalent coverage for all individuals who participate in the program;

(ii) to pay compensation to a participating individual that is in addition to the amounts described in subsections (c)(1) and (e) as wages for work performed;

(iii) to provide supportive services, such as transportation, child care, and dependent care, that would enable individuals to participate in the program;

(iv) for the administration and oversight of the program; and

(v) to fulfill additional program requirements included in the approved State plan.

(e) PAYMENT OF AUGMENTED WAGES IF NECESSARY.—In the event that the wages described in subsection (c)(1) are not sufficient to equal or exceed the minimum wages that are required to be paid by an employer under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, whichever is higher, a State shall pay augmented wages to a program participant in any amount necessary to cover the difference between—

(1) such minimum wages amount; and

(2) the wages payable under subsection (c)(1).

(f) EFFECT OF WAGES ON ELIGIBILITY FOR OTHER PROGRAMS.—None of the wages paid under this section shall be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need.

(g) EFFECT OF WAGES, WORK ACTIVITIES, AND PROGRAM PARTICIPATION ON CONTINUING ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—Any wages paid under this section and any additional wages paid by an employer to an individual described in subsection (c)(1), and any work activities performed by such individual as a participant in the program, shall not be construed so as to render such individual ineligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note).

(h) NONDISPLACEMENT OF EMPLOYEES.—

(1) PROHIBITION.—An employer shall not use a program participant to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).

(2) OTHER PROHIBITIONS.—An employer shall not permit a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent position;

(B) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(i) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An employer shall not, by means of assigning work activities under this section, impair an existing contract for services or a collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(j) LIMITATION ON EMPLOYER PARTICIPATION.—If, after 24 weeks of participation in the program, an employer has not made an offer of suitable long-term employment to any individual described under subsection (c)(1) who was placed with such employer and has completed the program, a State shall bar such employer from further participation in the program. States may impose additional conditions on participating employers to ensure that an appropriate number of participants receive offers of suitable long term employment.

(k) FAILURE TO MEET PROGRAM REQUIREMENTS.—If a State makes a determination based on information provided to the State, or acquired by the State by means of its administration and oversight functions, that a participating employer under this section has violated a requirement of this section, the State shall bar such employer from further participation in the program. The State shall establish a process whereby an individual described in subsection (c)(1), or any other affected individual or entity, may file a complaint with the State relating to a violation of any requirement or prohibition under this section.

(l) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN BRIDGE TO WORK PROGRAM.—

(1) TERMINATION.—An individual who is participating in a program described in subsection (b) may opt to discontinue participation in such program.

(2) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual who opts to discontinue participation in such program, is terminated from such program by a participating employer, or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) of such Act or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.

(m) EFFECT OF OTHER LAWS.—Unless otherwise provided in this section, nothing in this section shall be construed to alter or affect the rights or obligations under any Federal, State, or local laws with respect to any individual described in subsection (c)(1) and with respect to any participating employer under this section.

(n) TREATMENT OF PAYMENTS.—All wages or other payments to an individual under this section shall be treated as payments of unemployment insurance for purposes of section 209 of the Social Security Act (42 U.S.C. 409) and for purposes of subtitle A and sections 3101 and 3111 of the Internal Revenue Code of 1986.

SEC. 325. WAGE INSURANCE.

(a) IN GENERAL.—A State may use the funds allotted to the State under this part to provide a wage insurance program for EUC claimants.

(b) BENEFITS.—The wage insurance program provided under this section may use funds allotted to the State under this part to pay, for a period not to exceed 2 years, to a worker described in subsection (c), up to 50 percent of the difference between—

(1) the wages received by the worker at the time of separation; and

(2) the wages received by the worker for reemployment.

(c) INDIVIDUAL ELIGIBILITY.—The benefits described in subsection (b) may be paid to an individual who is an EUC claimant at the time such individual obtains reemployment and who—

(1) is at least 50 years of age;

(2) earns not more than $50,000 per year in wages from reemployment;

(3) is employed on a full-time basis as defined by the law of the State; and

(4) is not employed by the employer from which the individual was last separated.

(d) TOTAL AMOUNT OF PAYMENTS.—A State shall establish a maximum amount of payments per individual for purposes of payments described in subsection (b) during the eligibility period described in such subsection.

(e) NON-DISCRIMINATION REGARDING WAGES.—An employer shall not pay a worker described in subsection (c) less than such employer pays to a regular worker in the same or substantially equivalent position.

SEC. 326. ENHANCED REEMPLOYMENT STRATEGIES.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program of enhanced reemployment services to EUC claimants. In addition to the provision of services to such claimants, the program may include the provision of reemployment services to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note). The program shall provide reemployment services that are more intensive than the reemployment services provided by the State prior to the receipt of the allotment under this part.

(b) TYPES OF SERVICES.—The enhanced reemployment services described in subsection (a) may include services such as—

(1) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of EUC claimants and individuals described in subsection (a);

(2) comprehensive assessments designed to identify alternative career paths;

(3) case management;

(4) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State; and

(5) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment.

SEC. 327. SELF-EMPLOYMENT PROGRAMS.

A State may use funds allotted to the State under this part, in an amount specified under an approved State plan, for the administrative costs associated with starting up the self-employment assistance program described in section 4001(i) of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note).

SEC. 328. ADDITIONAL INNOVATIVE PROGRAMS.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program for innovative activities, which use a strategy that is different from the reemployment strategies described in sections 324–327 and which are designed to facilitate the reemployment of EUC claimants. In addition to the provision of activities to such claimants, the program may include the provision of activities to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note).

(b) CONDITIONS.—The innovative activities approved in accordance with subsection (a)—

(1) shall directly benefit EUC claimants and, if applicable, individuals described in subsection (a), either as a benefit paid to such claimant or individual or as a service provided to such claimant or individual;

(2) shall not result in a reduction in the duration or amount of, emergency unemployment compensation for which EUC claimants would otherwise be eligible;

(3) shall not include a reduction in the duration, amount of or eligibility for regular compensation or extended benefits;

(4) shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation) or allow a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation);

(5) shall not be in violation of any Federal, State, or local law.

SEC. 329. GUIDANCE AND ADDITIONAL REQUIREMENTS.

The Secretary of Labor may establish through guidance, without regard to the requirements of section 553 of title 5, United States Code, such additional requirements, including requirements regarding the allotment, recapture, and reallotment of funds, and reporting requirements, as the Secretary determines to be necessary to ensure fiscal integrity, effective monitoring, and appropriate and prompt implementation of the activities under this Act.

SEC. 330. REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.

The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to section 329 and the evaluations of activities carried out pursuant to the funds reserved under section 322(a)(1).

SEC. 331. STATE.

For purposes of this part, the term ''State'' has the meaning given that term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

PART III—SHORT-TIME COMPENSATION PROGRAM

SEC. 341. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) DEFINITION.—

(1) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are eligible for unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were totally unemployed from the participating employer;

''(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by their participation in the short-time compensation program;

''(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

''(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program, subject to other requirements in this section;

''(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

''(9) in the case of employees represented by a union as the sole and exclusive representative, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the applicable Federal laws; and

''(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) TRANSITION PERIOD FOR EXISTING PROGRAMS.—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and''; and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 342. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986,

as added by section 341(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 343.—States may receive payments under this section and section 343 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 341(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 343. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 342(b), shall be eligible to receive payments under section 342 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 344. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 341(a)(3) and 342(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 341(a)), and a State with an agreement under section 343, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $700,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $700,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term ''short-time compensation program'' has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 345. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 346. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in States that have not enacted a short-time compensation program or entered into an agreement with the Secretary on a short-time compensation plan to determine the level of interest among such employers in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, $1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle B—Long Term Unemployed Hiring Preferences

SEC. 351. LONG TERM UNEMPLOYED WORKERS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by inserting ''$10,000 per year in the case of any individual who is a qualified long term unemployed individual by reason of subsection (d)(11), and'' before ''$12,000 per year''.

(b) LONG TERM UNEMPLOYED INDIVIDUALS TAX CREDITS.—Paragraph (d) of section 51 of the Internal Revenue Code is amended by—

(1) inserting ''(J) qualified long term unemployed individual'' at the end of paragraph (d)(1);

(2) inserting a new paragraph after paragraph (10) as follows—

''(11) QUALIFIED LONG TERM UNEMPLOYED INDIVIDUAL.—

''(A) IN GENERAL.—The term 'qualified long term unemployed individual' means any individual who was not a student for at least 6 months during the 1-year period ending on the hiring date and is certified by the designated local agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

''(B) STUDENT.—For purposes of this subsection, a student is an individual enrolled at least half-time in a program that leads to a degree, certificate, or other recognized educational credential for at least 6 months whether or not consecutive during the 1-year period ending on the hiring date.''; and

(3) renumbering current paragraphs (11) through (14) as paragraphs (12) through (15).

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 16 as follows:

''(16) CREDIT ALLOWED FOR QUALIFIED LONG TERM UNEMPLOYED INDIVIDUALS.—

''(A) IN GENERAL.—Any qualified long term unemployed individual under paragraph (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

''(i) the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date.

''(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.''.

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word ''No'' at the beginning of the section and replacing it with ''Except as provided in this subsection, no''; and

(2) the following new paragraphs are inserted at the end of section 52(c)—

''(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

''(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified long term unemployed individuals described in subsection (d)(11); or

''(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(2) CREDIT AMOUNT.—In calculating tax-exempt employers, the work opportunity credit shall be determined by substituting '26 percent' for '40 percent' in section 51(a) and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

''(3) TAX-EXEMPT EMPLOYER.—For purposes of this subtitle, the term 'tax-exempt employer' means an employer that is—

''(A) an organization described in section 501(c) and exempt from taxation under section 501(a), or

''(B) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

''(4) PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

''(ii) amounts required to be withheld from such employees under section 3101, and

''(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.''.

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term ''possession of the United States'' includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Pathways Back to Work

SEC. 361. SHORT TITLE.

This subtitle may be cited as the ''Pathways Back to Work Act of 2011''.

SEC. 362. ESTABLISHMENT OF PATHWAYS BACK TO WORK FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the Pathways Back to Work Fund (hereafter in this Act referred to as ''the Fund'').

(b) DEPOSITS INTO THE FUND.—Out of any amounts in the Treasury of the United States not otherwise appropriated, there are appropriated $5,000,000,000 for payment to the Fund to be used by the Secretary of Labor to carry out this Act.

SEC. 363. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Of the amounts available to the Fund under section 362(b), the Secretary of Labor shall—

(1) allot $2,000,000,000 in accordance with section 364 to provide subsidized employment to unemployed, low-income adults;

(2) allot $1,500,000,000 in accordance with section 365 to provide summer and year-round employment opportunities to low-income youth;

(3) award $1,500,000,000 in competitive grants in accordance with section 366 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income adults and low-income youth to provide the skills and assistance needed to obtain employment.

(b) RESERVATION.—The Secretary of Labor may reserve not more than 1 percent of amounts available to the Fund under each of paragraphs (1)–(3) of subsection (a) for the costs of technical assistance, evaluations and Federal administration of this Act.

(c) PERIOD OF AVAILABILITY.—The amounts appropriated under this Act shall be available for obligation by the Secretary of Labor until December 31, 2012, and shall be available for expenditure by grantees and subgrantees until September 30, 2013.

SEC. 364. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED, LOW-INCOME ADULTS.

(a) IN GENERAL.—

(1) ALLOTMENTS.—From the funds available under section 363(a)(1), the Secretary of Labor shall make an allotment under subsection (b) to each State that has a State plan approved under subsection (c) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing subsidized employment opportunities to unemployed, low-income adults.

(2) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor, in coordination with the Secretary of Health and Human Services, shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State and local plans and the allotment and allocation of funds, including reallotment and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(b) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a)(1), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide subsidized employment to low-income adults who are unemployed; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide subsidized employment to low-income adults who are unemployed.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a)(1) among the States as follows:

(A) one-third shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(B) one-third shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(C) one-third shall be allotted on the basis of the relative number of disadvantaged adults and youth in each State, compared to the total number of disadvantaged adults and youth in all States.

(3) DEFINITIONS.—For purposes of the formula described in paragraph (2)—

(A) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term ''area of substantial unemployment'' means any contiguous area with a population of at least 10,000 and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary.

(B) DISADVANTAGED ADULTS AND YOUTH.—The term ''disadvantaged adults and youth'' means an individual who is age 16 and older (subject to section 132(b)(1)(B)(v)(I) of the Workforce Investment Act of 1998) who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(C) EXCESS NUMBER.—The term ''excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the time specified in subsection (c), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require. At a minimum, such plan shall include—

(A) a description of the strategies and activities to be carried out by the State, in coordination with employers in the State, to provide subsidized employment opportunities to unemployed, low-income adults, including strategies relating to the level and duration of subsidies consistent with subsection (e)(2);

(B) a description of the requirements the State will apply relating to the eligibility of unemployed, low-income adults, consistent with section 368(6), for subsidized employment opportunities, which may include criteria to target assistance to particular categories of such adults, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(C) a description of how the funds allotted to provide subsidized employment opportunities will be administered in the State and local areas, in accordance with subsection (d);

(D) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(E) a description of the coordination of activities to be carried out with the funds provided under this section with activities under title I of the Workforce Investment Act of 1998, the TANF program under part A of title IV of the Social Security Act, and other appropriate Federal and State programs that may assist unemployed, low-income adults in obtaining and retaining employment;

(F) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of unemployed, low-income adults expected to be placed in subsidized employment by quarter;

(G) assurances that the State will report such information as the Secretary of Labor may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(H) assurances that the State will ensure compliance with the labor standards and protections described in section 367(a) of this Act.

(2) SUBMISSION AND APPROVAL OF STATE PLAN.—

(A) SUBMISSION WITH OTHER PLANS.—The State plan described in this subsection may be submitted in conjunction with the State plan modification or request for funds required under section 365, and may be submitted as a modification to a State plan that has been approved under section 112 of the Workforce Investment Act of 1998.

(B) SUBMISSION AND APPROVAL.—

(i) SUBMISSION.—The Governor shall submit a plan to the Secretary of Labor not later than 75 days after the enactment of this Act and the Secretary of Labor shall make a determination regarding the approval or disapproval of such plans not later than 45 days after the submission of such plan. If the plan is disapproved, the Secretary of Labor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval.

(ii) APPROVAL.—The Secretary of Labor shall approve a State plan that the Secretary determines is consistent with requirements of this section and reasonably appropriate and adequate to carry out the purposes of this section. If the plan is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN.—The Governor may submit a modification to a State plan under this subsection consistent with the requirements of this section.

(d) ADMINISTRATION WITHIN THE STATE.—

(1) OPTION.—The State may administer the funds for activities under this section through—

(A) the State and local entities responsible for the administration of the adult formula program under title I–B of the Workforce Investment Act of 1998;

(B) the entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act; or

(C) a combination of the entities described in subparagraphs (A) and (B).

(2) WITHIN-STATE ALLOCATIONS.—

(A) ALLOCATION OF FUNDS.—The Governor may reserve up to 5 percent of the allotment under subsection (b)(2) for administration and technical assistance, and shall allocate the remainder, in accordance with the option elected under paragraph (1)—

(i) among local workforce investment areas within the State in accordance with the factors identified in subsection (b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved, of which not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section; or

(ii) through entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act in local areas in such manner as the State may determine appropriate.

(B) LOCAL PLANS.—

(i) IN GENERAL.—In the case where the responsibility for the administration of activities is to be carried out by the entities described under paragraph (1)(A), in order to receive an allocation under subparagraph (A)(i), a local workforce investment board, in partnership with the chief elected official of the local workforce investment area involved, shall submit to the Governor a local plan for the use of such funds under this section not later than 30 days after the submission of the State plan. Such local plan may be submitted as a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998.

(ii) CONTENTS.—The local plan described in clause (i) shall contain the elements described in subparagraphs (A)–(H) of subsection (c)(1), as applied to the local workforce investment area.

(iii) APPROVAL.—The Governor shall approve or disapprove the local plan submitted under clause (i) within 30 days after submission, or if later, 30 days after the approval of the State plan. The Governor shall approve the plan unless the Governor determines that the plan is inconsistent with requirements of this section or is not reasonably appropriate and adequate to carry out the purposes of this section. If the Governor has not made a determination within the period specified under the first sentence of this clause, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after such approval.

(C) REALLOCATION OF FUNDS TO LOCAL AREAS.—If a local workforce investment board does not submit a local plan by the time specified in subparagraph (B) or the Governor does not approve a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive approval of the local plan under subparagraph (B). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under subparagraph (A)(i).

(e) USE OF FUNDS.—

(1) IN GENERAL.—The funds under this section shall be used to provide subsidized employment for unemployed, low-income adults. The State and local entities described in subsection (d)(1) may use a variety of strategies in recruiting employers and identifying appropriate employment opportunities, with a priority to be provided to employment opportunities likely to lead to unsubsidized employment in emerging or in-demand occupations in the local area. Funds under this section may be used to provide support services, such as transportation and child care, that are necessary to enable the participation of individuals in subsidized employment opportunities.

(2) LEVEL OF SUBSIDY AND DURATION.—The States or local entities described in subsection (d)(1) may determine the percentage of the wages and costs of employing a participant for which an employer may receive a subsidy with the funds provided under this section, and the duration of such subsidy, in accordance with guidance issued by the Secretary. The State or local entities may establish criteria for determining such percentage or duration using appropriate factors such as the size of the employer and types of employment.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Health and Human Services to ensure the effective implementation of this section.

SEC. 365. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.

(a) IN GENERAL.—From the funds available under section 363(a)(2), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a State plan modification (or other form of request for funds specified in guidance under subsection (b)) approved under subsection (d) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) GUIDANCE.—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications, or for forms of requests for funds by the State as may be identified in such guidance, local plan modifications, or other forms of requests for funds from local workforce investment areas as may be identified in such guidance, and the allotment and allocation of funds, including reallotment and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Workforce Investment Act of 1998 relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide summer and year-round employment opportunities to low-income youth; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide summer and year-round employment opportunities to low-income youth.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a) among the States in accordance with the factors described in section 364(b)(2) of this Act.

(3) REALLOTMENT.—If the Governor of a State does not submit a State plan modification or other request for funds specified in guidance under subsection (b) by the time specified in subsection (d)(2)(B), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(d) STATE PLAN MODIFICATION.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998, or other request for funds described in guidance in subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including the linkages to educational activities, consistent with subsection (f);

(B) a description of the requirements the States will apply relating to the eligibility of low-income youth, consistent with section 368(4), for summer employment opportunities and year-round employment opportunities, which may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(F) assurances that the State will ensure compliance with the labor standards protections described in section 367(a).

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—

(A) SUBMISSION.—The Governor shall submit a modification of the State plan or other request for funds described in guidance in subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance. The State plan modification or request for funds required under this subsection may be submitted in conjunction with the State plan required under section 364.

(B) APPROVAL.—The Secretary of Labor shall approve the plan or request submitted under subparagraph (A) within 30 days after submission, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within 30 days, the plan or request shall be considered approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which a disapproved plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN OR REQUEST.—The Governor may submit further modifications to a State plan or request for funds identified under subsection (b) to carry out this section in accordance with the requirements of this section.

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve up to 5 percent of the allotment for administration and technical assistance; and

(B) shall allocate the remainder of the allotment among local workforce investment areas within the State in accordance with the factors identified in section 364(b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved. Not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section.

(2) LOCAL PLAN.—

(A) SUBMISSION.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998, or other form of request for funds as may be identified in the guidance issued under subsection (b), not later than 30 days after the submission by the State of the modification to the State plan or other request for funds identified in subsection (b), describing the strategies and activities to be carried out under this section.

(B) APPROVAL.—The Governor shall approve the local plan submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan is inconsistent with requirements of this section. If the Governor has not made a determination within 30 days, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after approval.

(3) REALLOCATION.—If a local workforce investment board does not submit a local plan modification (or other request for funds identified in guidance under subsection (b)) by the time specified in paragraph (2), or does not receive approval of a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of the local plan modification or request for funds under paragraph (2). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under paragraph (1)(B).

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds provided under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, ages 16 through 24, with direct linkages to academic and occupational learning, and may include the provision of supportive services, such as transportation or child care, necessary to enable such youth to participate; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998, to low-income youth, ages 16 through 24, with a priority to out-of-school youth who are—

(i) high school dropouts; or

(ii) recipients of a secondary school diploma or its equivalent but who are basic skills deficient unemployed or underemployed.

(2) PROGRAM PRIORITIES.—In administering the funds under this section, the local board and local chief elected officials shall give a priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector that meet community needs; and

(B) linking year-round program participants to training and educational activities that will provide such participants an industry-recognized certificate or credential.

(3) PERFORMANCE ACCOUNTABILITY.—For activities funded under this section, in lieu of the requirements described in section 136 of the Workforce Investment Act of 1998, State and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 367(a)(5).

SEC. 366. WORK-BASED EMPLOYMENT STRATEGIES OF DEMONSTRATED EFFECTIVENESS.

(a) IN GENERAL.—From the funds available under section 363(a)(3), the Secretary of Labor shall award grants on a competitive basis to eligible entities to carry out work-based strategies of demonstrated effectiveness.

(b) USE OF FUNDS.—The grants awarded under this section shall be used to support strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income adults or low-income youth with the skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and where employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership which

includes a significant work-experience component;

(4) acquisition of industry-recognized credentials in a field identified by the State or local workforce investment area as a growth sector or demand industry in which there are likely to be significant job opportunities in the short-term;

(5) connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that includes concurrent skills training and other supports;

(6) career academies that provide students with the academic preparation and training, including paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and high-demand jobs; and

(7) adult basic education and integrated basic education and training models for low-skilled adults, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(c) ELIGIBLE ENTITY.—An eligible entity shall include a local chief elected official, in collaboration with the local workforce investment board for the local workforce investment area involved (which may include a partnership with such officials and boards in the region and in the State), or an entity eligible to apply for an Indian and Native American grant under section 166 of the Workforce Investment Act of 1998, and may include, in partnership with such officials, boards, and entities, the following:

(1) employers or employer associations;

(2) adult education providers and postsecondary educational institutions, including community colleges;

(3) community-based organizations;

(4) joint labor-management committees;

(5) work-related intermediaries; or

(6) other appropriate organizations.

(d) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible entities will carry out to provide unemployed, low-income adults and low-income youth with the skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income adults or low-income youth, consistent with paragraphs (4) and (6) of section 368, for activities carried out under this section, which may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided may be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the grant recipient will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(9) provide assurances that the use of the funds provided under this section will comply with the labor standards and protections described in section 367(a).

(e) PRIORITY IN AWARDS.—In awarding grants under this section, the Secretary of Labor shall give a priority to applications submitted by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas (PUMAs) as designated by the Census Bureau.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Education, Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

SEC. 367. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 and the nondiscrimination provisions of section 188 of such Act, in addition to other applicable federal laws.

(b) REPORTING.—The Secretary may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, grantees and subgrantees shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under the Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this Act, including—

(A) for adults participating in activities funded under section 364 of this Act—

(i) entry in unsubsidized employment,

(ii) retention in unsubsidized employment, and

(iii) earnings in unsubsidized employment;

(B) for low-income youth participating in summer employment activities under sections 365 and 366—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(C) for low-income youth participating in year-round employment activities under section 365 or in activities under section 366—

(i) placement in or return to post-secondary education;

(ii) attainment of high school diploma or its equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A);

(D) for unemployed, low-income adults participating in activities under section 366—

(i) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A); and

(ii) the attainment of industry-recognized credentials.

(c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.—The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out pursuant to the funds reserved under section 363(b).

SEC. 368. DEFINITIONS.

In this Act:

(1) LOCAL CHIEF ELECTED OFFICIAL.—The term ''local chief elected official'' means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case where more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998.

(2) LOCAL WORKFORCE INVESTMENT AREA.—The term ''local workforce investment area'' means such area designated under section 116 of the Workforce Investment Act of 1998.

(3) LOCAL WORKFORCE INVESTMENT BOARD.—The term ''local workforce investment board'' means such board established under section 117 of the Workforce Investment Act of 1998.

(4) LOW-INCOME YOUTH.—The term ''low-income youth'' means an individual who—

(A) is aged 16 through 24;

(B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998, except that States, local workforce investment areas under section 365 and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 365 and 366 of this Act; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998.

(5) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) UNEMPLOYED, LOW-INCOME ADULT.—The term ''unemployed, low-income adult'' means an individual who—

(A) is age 18 or older;

(B) is without employment and is seeking assistance under this Act to obtain employment; and

(C) meets the definition of a ''low-income individual'' under section 101(25) of the Workforce Investment Act of 1998, except that for that States, local entities described in section 364(d)(1) and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income

level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 364 and 366 of this Act.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and Puerto Rico.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

SEC. 371. SHORT TITLE.

This subtitle may be cited as the ''Fair Employment Opportunity Act of 2011''.

SEC. 372. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce by—

(1) reducing personal consumption and undermining economic stability and growth;

(2) squandering human capital essential to the Nation's economic vibrancy and growth;

(3) increasing demands for Federal and State unemployment insurance benefits, reducing trust fund assets, and leading to higher payroll taxes for employers, cuts in benefits for jobless workers, or both;

(4) imposing additional burdens on publicly funded health and welfare programs; and

(5) depressing income, property, and other tax revenues that the Federal Government, States, and localities rely on to support operations and institutions essential to commerce.

(b) PURPOSES.—The purposes of this Act are—

(1) to prohibit employers and employment agencies from disqualifying an individual from employment opportunities because of that individual's status as unemployed;

(2) to prohibit employers and employment agencies from publishing or posting any advertisement or announcement for an employment opportunity that indicates that an individual's status as unemployed disqualifies that individual for the opportunity; and

(3) to eliminate the burdens imposed on commerce due to the exclusion of such individuals from employment.

SEC. 373. DEFINITIONS.

As used in this Act—

(1) the term ''affected individual'' means any person who was subject to an unlawful employment practice solely because of that individual's status as unemployed;

(2) the term ''Commission'' means the Equal Employment Opportunity Commission;

(3) the term ''employee'' means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)) applies;

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(D) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''employer'' means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(5) the term ''employment agency'' means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for individuals opportunities to work as employees for an employer and includes an agent of such a person, and any person who maintains an Internet website or print medium that publishes advertisements or announcements of openings in jobs for employees;

(6) the term ''person'' has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)); and

(7) the term ''status as unemployed'', used with respect to an individual, means that the individual, at the time of application for employment or at the time of action alleged to violate this Act, does not have a job, is available for work and is searching for work.

SEC. 374. PROHIBITED ACTS.

(a) EMPLOYERS.—It shall be an unlawful employment practice for an employer to—

(1) publish in print, on the Internet, or in any other medium, an advertisement or announcement for an employee for any job that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(3) direct or request that an employment agency take an individual's status as unemployed into account to disqualify an applicant for consideration, screening, or referral for employment as an employee.

(b) EMPLOYMENT AGENCIES.—It shall be an unlawful employment practice for an employment agency to—

(1) publish, in print or on the Internet or in any other medium, an advertisement or announcement for any vacancy in a job, as an employee, that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that the employment agency or an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) screen, fail or refuse to consider, or fail or refuse to refer an individual for employment as an employee because of the individual's status as unemployed; or

(3) limit, segregate, or classify any individual in any manner that would limit or tend to limit the individual's access to information about jobs, or consideration, screening, or referral for jobs, as employees, solely because of an individual's status as unemployed.

(c) INTERFERENCE WITH RIGHTS, PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any employer or employment agency to—

(1) interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this Act; or

(2) fail or refuse to hire, to discharge, or in any other manner to discriminate against any individual, as an employee, because such individual—

(A) opposed any practice made unlawful by this Act;

(B) has asserted any right, filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(C) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(D) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(d) CONSTRUCTION.—Nothing in this Act is intended to preclude an employer or employment agency from considering an individual's employment history, or from examining the reasons underlying an individual's status as unemployed, in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual. Such consideration or examination may include an assessment of whether an individual's employment in a similar or related job for a period of time reasonably proximate to the consideration of such individual for employment is job-related or consistent with business necessity.

SEC. 375. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c),

in the case of an affected individual who would be covered by such title, or by section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of an affected individual who would be covered by such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of an affected individual who would be covered by section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c);

in the case of an affected individual who would be covered by such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of an affected individual who would be covered by section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES.—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) REMEDIES.—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed $1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed $5,000.

SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) ABROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) DEFINITION.—In this paragraph, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies would be available against a non-governmental entity.

SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

TITLE IV—SURTAX ON MILLIONAIRES

SEC. 401. SURTAX ON MILLIONAIRES.

(a) IN GENERAL.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new part:

''PART VIII—SURTAX ON MILLIONAIRES

''Sec. 59B. Surtax on millionaires.

''SEC. 59B. SURTAX ON MILLIONAIRES.

''(a) GENERAL RULE.—In the case of a taxpayer other than a corporation for any taxable year beginning after 2012, there is hereby imposed (in addition to any other tax imposed by this subtitle) a tax equal to 5.6 percent of so much of the modified adjusted gross income of the taxpayer for such taxable year as exceeds $1,000,000 ($500,000, in the case of a married individual filing a separate return).

''(b) INFLATION ADJUSTMENT.—

''(1) IN GENERAL.—In the case of any taxable year beginning after 2013, each dollar amount under subsection (a) shall be increased by an amount equal to—

''(A) such dollar amount, multiplied by

''(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

''(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(c) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for investment interest (as defined in section 163(d)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 67(e).

''(d) SPECIAL RULES.—

''(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual, only amounts taken into account in connection with the tax imposed under section 871(b) shall be taken into account under this section.

''(2) CITIZENS AND RESIDENTS LIVING ABROAD.—The dollar amount in effect under subsection (a) shall be decreased by the excess of—

''(A) the amounts excluded from the taxpayer's gross income under section 911, over

''(B) the amounts of any deductions or exclusions disallowed under section 911(d)(6) with respect to the amounts described in subparagraph (A).

''(3) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpired interests in which are devoted to one or more of the purposes described in section 170(c)(2)(B).

''(4) NOT TREATED AS TAX IMPOSED BY THIS CHAPTER FOR CERTAIN PURPOSES.—The tax imposed under this section shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter or for purposes of section 55.''.

(b) CLERICAL AMENDMENT.—The table of parts for subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''PART VIII. SURTAX ON MILLIONAIRES.''.

(c) SECTION 15 NOT TO APPLY.—The amendment made by subsection (a) shall not be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

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

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 286—RECOGNIZING MAY 16, 2012, AS HEREDITARY ANGIOEDEMA AWARENESS DAY AND EXPRESSING THE SENSE OF THE SENATE THAT MORE RESEARCH AND TREATMENTS ARE NEEDED FOR HEREDITARY ANGIOEDEMA

Mr. INOUYE (for himself and Mr. CHAMBLISS) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 286

Whereas Hereditary Angioedema (HAE) is a rare and potentially life-threatening genetic disease, affecting between 1 in 10,000 and 1 in 50,000 people, leading to patients being undiagnosed or misdiagnosed for many years;

Whereas HAE is characterized by symptoms including episodes of edema or swelling in various body parts including the hands, feet, gastrointestinal tract, face, and airway;

Whereas patients often experience swelling in the intestinal wall, causing bouts of excruciating abdominal pain, nausea, and vomiting, and swelling of the airway, which can lead to death by asphyxiation;

Whereas a defect in the gene that controls the C1-inhibitor blood protein causes production of either inadequate or non-functioning C1-inhibitor protein, leading to an inability to regulate complex biochemical interactions of blood-based systems involved in disease fighting, inflammatory response, and coagulation;

Whereas HAE is an autosomal dominant disease, and 50 percent of patients with the disease inherited the defective gene from a parent, while the other 50 percent developed a spontaneous mutation of the C1-inhibitor gene at conception;

Whereas HAE patients often experience their first HAE attack during childhood or adolescence, and continue to suffer from subsequent attacks for the duration of their lives;

Whereas HAE attacks can be triggered by infections, minor injuries or dental procedures, emotional or mental stress, and certain hormonal or blood medications;

Whereas the onset or duration of an HAE attack can negatively affect a person's physical, emotional, economic, educational, and social well-being due to activity limitations;

Whereas the annual cost for treatment per patient can exceed $500,000, causing a substantial economic burden;

Whereas there is a significant need for increased and normalized medical professional education regarding HAE; and

Whereas there is also a significant need for further research on HAE to improve diagnosis and treatment options for patients; Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) recognizes and celebrates May 16, 2012, as Hereditary Angioedema Awareness Day; and

(B) supports increased awareness of Hereditary Angioedema (HAE) by physicians and the public; and

(2) it is the sense of the Senate that increased Federal research on HAE is needed, including that—

(A) the Director of the National Institutes of Health (NIH) should take a leadership role in the search for new treatment options and a cure for HAE by—

(i) encouraging the National Institute of Allergy and Infectious Diseases (NIAID) to implement the research recommendations of the international HAE research community;

(ii) exploring collaborative research opportunities between the NIAID, the Office of Rare Diseases Research, and other NIH Institutes and Centers; and

(iii) encouraging NIAID to provide the necessary funding for continued expansion and advancement of the HAE research portfolio through intramural and extramural research; and

(B) the Commissioner of Food and Drugs should take a leadership role in ensuring new HAE treatments are developed and appropriately monitored by—

(i) issuing further guidance to industry on the development criteria and adverse event standards for HAE treatments; and

(ii) encouraging the participation of patient groups and considering the views of patients when discussing standards and protocols for the development and monitoring of HAE treatments.

Mr. INOUYE. Mr. President, I rise today to submit a resolution recognizing May 16, 2012, as Hereditary Angioedema, HAE, Awareness Day. HAE is a rare and potentially life threatening genetic disease which impacts between 1 in 10,000 and 1 in 50,000 Americans. HAE is characterized by severe swelling throughout the body, including the digestive tract and airways. The swelling caused by episodes of HAE is both very painful and can cause sufferers to asphyxiate when the swelling impacts the airways. To date there is only one Food and Drug Administration approved treatment for HAE, but this treatment is only effective in about a third of patients afflicted with this devastating disease. It is clearly evident that more research is needed to combat this terrible disease.

On May 16, 2012, an international conference on HAE will be convened in Copenhagen, Denmark to discuss issues relating to HAE research, treatments, and awareness. The American component of this conference will be spearheaded by the U.S. Hereditary Angioedema Association, USHAEA, based in my home state of Hawaii. USHAEA is an organization that provides education, support, funding for research, and a voice to HAE patients, their families, healthcare providers and the general public at large. I urge my colleagues to support this important resolution and help find a cure for HAE.

SENATE RESOLUTION 287—DESIGNATING OCTOBER 2011 AS ''FILIPINO AMERICAN HISTORY MONTH''

Mr. REID of Nevada (for himself, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. AKAKA, Mr. INOUYE, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. SCHUMER, Mrs. MURRAY, Mr. DURBIN, and Mr. HELLER) submitted the following resolution; which was considered and agreed to:

S. RES. 287

Whereas October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza, marks the earliest documented Filipino presence in the continental United States;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds new perspective to United States history by bringing attention to the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States;

Whereas the Filipino-American community is the third largest Asian-American group in the United States, with a population of approximately 3,417,000 individuals;

Whereas Filipino-American servicemen and servicewomen have a longstanding history of serving in the Armed Forces, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend the United States;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Forces;

Whereas Filipino Americans play an integral role in the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color largely have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the significance of education, complemented with the richness of their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2011: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as ''Filipino American History Month'';

(2) recognizes the celebration of Filipino American History Month as—

(A) a study of the advancement of Filipino Americans;

(B) a time of reflection and remembrance of the many notable contributions Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the United States; and

(3) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 722. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table.

SA 723. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 724. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 725. Ms. SNOWE (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 726. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 727. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 728. Mr. COONS (for himself, Mr. GRASSLEY, and Mr. RUBIO) submitted an amendment intended to be proposed by him

to the bill S. 1619, supra; which was ordered to lie on the table.

SA 729. Mr. COONS (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 730. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1619, supra; which was ordered to lie on the table.

SA 731. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 732. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 733. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 734. Mr. JOHNSON, of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

SA 735. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1619, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 722. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ___AGENCY OVERREACH MORATORIUM

SEC. ___01. SHORT TITLE.

This title may be cited as the ''Agency Overreach Moratorium Act''.

SEC. ___02. PROHIBITION ON RETROACTIVE WITHDRAWAL OF CERTAIN PERMITS.

Unless approved by an Act of Congress, the head of a Federal agency shall not—

(1) retroactively withdraw any permit issued for Federal land or any area of the outer Continental Shelf that would have been used—

(A) to produce or harvest a domestic natural resource; or

(B) to create 1 or more jobs; or

(2) issue a designation under any law that would restrict or prohibit access to domestic natural resources on Federal land or any area of the outer Continental Shelf.

SEC. ___03. CONGRESSIONAL APPROVAL OF DESIGNATION OF NATIONAL MONUMENTS.

Section 2 of the Act of June 8, 1906 (commonly known as the ''Antiquities Act of 1906'') (16 U.S.C. 431) is amended—

(1) by striking ''SEC. 2. That the President'' and inserting the following:

''SEC. 2. DESIGNATION OF NATIONAL MONUMENTS.

''(a) IN GENERAL.—Subject to the requirements of this section, the President'';

(2) by striking ''*Provided*, That when such objects are situated upon'' and inserting the following:

''(b) RELINQUISHMENT OF PRIVATE CLAIMS.—In cases in which an object described in subsection (a) is located on''; and

(3) by adding at the end the following:

''(c) CONGRESSIONAL APPROVAL OF PROCLAMATION.—A proclamation issued under subsection (a) shall not be implemented until the proclamation is approved by an Act of Congress.''.

SEC. ___04. ECONOMIC ANALYSIS BY SECRETARY OF COMMERCE REQUIRED.

The head of a Federal agency shall not take any action that modifies the authority of the Federal agency with respect to issuing permits for natural resource development on Federal land or making designations of Federal land under any law until the date on which the Secretary of Commerce completes, and submits to Congress, an economic analysis to determine—

(1) whether the proposed agency action has the potential to reduce revenue to the Treasury; and

(2) the potential impact of the proposed agency action on property rights and existing contracts.

SA 723. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

SEC. ___. KEYSTONE XL OIL PIPELINE.

(a) CONDITIONAL APPROVAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of State shall—

(1) issue a conditional approval for the construction of the Keystone XL pipeline; and

(2) recommend to the builder of the pipeline 1 alternative route for the pipeline that parallels the United States portions of Keystone 1.

(b) ACCEPTANCE.—Not later than 15 days after the receipt of the recommendation described in subsection (a)(2), as a condition of any contract to construct the pipeline, the builder shall notify the Secretary of State of whether the builder accepts—

(1) the route for building the Keystone XL pipeline that is in effect on the date of enactment of this Act; or

(2) the alternative route described in subsection (a)(2).

(c) PERMITS.—Not later than 5 days after the receipt of notice under subsection (b), the Secretary of State shall issue all necessary permits for the construction of the Keystone XL pipeline.

(d) RELATIONSHIP TO OTHER LAWS.—The issuance of a conditional approval for the Keystone XL pipeline and permits to construct the pipeline under this section shall be considered to satisfy, and shall not require any further review under, the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), and any other provision of law.

SA 724. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PROHIBITION ON EXPORTATION OF DUAL-USE ITEMS TO THE PEOPLE'S REPUBLIC OF CHINA.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the United States International Trade Commission, exports from the United States to the People's Republic of China have risen substantially in recent years, totaling approximately $91,900,000,000 in 2010 compared to approximately $69,900,000,000 in 2009.

(2) China is the third-largest export market for goods produced in the United States, including dual-use items, which have both civilian and military applications.

(3) China is also a major trading partner of both the Islamic Republic of Iran and the Democratic People's Republic of North Korea.

(4) The Ambassador of China to Iran recently noted that trade between China and Iran is expected to increase to $40,000,000,000 to $45,000,000,000 in 2011, an increase from approximately $30,000,000,000 in 2010.

(5) A South Korean news agency recently reported that North Korea's trade dependence on China continues to grow, accounting for more than half of all North Korea's foreign trade.

(6) The Department of Commerce requires dual-use items to be licensed before being exported to China. Since 2007, however, preauthorized end-users in China have been authorized to participate in the Validated End-User program, which allows certain items to be exported without a license. While on-site audits of validated end-users in China by the Department of Commerce are permissible, the effectiveness of the Validated End-User program remains uncertain.

(7) The Government of China has a poor track record of enforcement of export controls. Moreover, the Government of China remains largely indifferent to the implementation of international sanctions on both Iran and North Korea for activities relating to the proliferation of weapons of mass destruction.

(8) China's expanding trade relationships with both Iran and North Korea raise concern that sensitive dual-use items exported from the United States may end up in the hands of rogue regimes and dangerous proliferators of weapons of mass destruction.

(b) DENIAL OF LICENSES FOR EXPORTATION OF DUAL-USE ITEMS TO CHINA.—

(1) IN GENERAL.—Notwithstanding any other provision of law, on and after the date of the enactment of this Act, the Secretary of Commerce shall—

(A) require a license for the exportation of any item on the Commerce Control List to China; and

(B) unless the Secretary submits to Congress the certification described in paragraph (2), deny any request for such a license.

(2) CERTIFICATION DESCRIBED.—A certification described in this paragraph is a certification by the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of Defense, and the heads of other relevant Federal agencies, that no items on the Commerce Control List that are exported from the United States are transshipped through China to Iran, North Korea, Syria, or any other country of concern with respect to the proliferation of weapons of mass destruction.

(c) REPORT ON PREVENTING TRANSSHIPMENT OF DUAL-USE ITEMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Director of National Intelligence, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, and the heads of other relevant Federal agencies, shall submit to Congress a report setting forth a comprehensive strategy to prevent the transshipment of items on the Commerce Control List to countries of concern with respect to the proliferation of weapons of mass destruction.

(d) COMMERCE CONTROL LIST DEFINED.—In this section, the term ''Commerce Control List'' means the list maintained pursuant to part 774 of title 15, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SA 725. Ms. SNOWE (for herself and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. DISASTER FUNDING.

(a) DEFINITIONS.—Section 1101 of title 31, United States Code, is amended by adding at the end the following:

''(3) '10-year average disaster funding appropriation' means the annual average amount appropriated for disaster funding during the most recent 10 fiscal years before the date of the determination of the annual average amount (excluding the highest and lowest years), as determined by the Director of the Office of Management and Budget.

''(4) 'disaster funding'—

''(A) means funding provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for an emergency declared under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191) or a major disaster declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170); and

''(B) includes funding provided under sections 304 and 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5147 and 5187).''.

(b) BUDGET CONTENTS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following:

''(39) An allowance for disaster funding of at least the 10-year average disaster funding appropriation.''.

(c) RESCISSION AND REPORTS.—Section 1105 of title 31, United States Code, is amended by adding at the end the following:

''(i) On October 1 of the first fiscal year beginning after the date of enactment of this subsection, and each year thereafter, there are rescinded from the appropriations account appropriated under the heading 'DISASTER RELIEF' under the heading 'FEDERAL EMERGENCY MANAGEMENT AGENCY' any unobligated balances in excess of the product obtained by multiplying the 10-year average disaster funding appropriation by 1.5.

''(j)(1) Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted under subsection (a), and in order to increase accountability and transparency for disaster funding, the President shall submit to Congress a report delineating the amount of disaster funding requested, the necessity for providing the disaster funding, and justifications for the amount of disaster funding requested.

''(2) Not later than 1 day after the date on which the President submits a report under paragraph (1), the President shall publish the report in the Federal Register.''.

(d) CONFORMING AMENDMENT TO THE BBEDCA.—Section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(D)) is amended by striking clause (iii) and inserting the following:

''(iii) For purposes of this subparagraph, the term 'disaster relief' shall have the same meaning given the term 'disaster funding' in section 1101 of title 31, United States Code.''.

SA 726. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. _____. EXPANSION OF WORK OPPORTUNITY TAX CREDIT TO INCLUDE THE EMPLOYMENT OF CERTAIN MILITARY VETERANS AND MEMBERS OF THE READY RESERVE AND NATIONAL GUARD.

(a) INCREASED CREDIT AMOUNT FOR CERTAIN MILITARY VETERANS.—Paragraph (3) of section 51(b) of the Internal Revenue Code of 1986 is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) INCLUSION OF UNEMPLOYED VETERANS.—Section 51(d)(3)(A) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) INCLUSION OF UNEMPLOYED MEMBERS OF READY RESERVE AND NATIONAL GUARD.—

(1) IN GENERAL.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting '', or'', and by adding at the end the following new subparagraph:

''(J) qualified member of Ready Reserve or National Guard.''.

(2) DEFINITION.—Subsection (d) of section 51 of such Code is amended by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively, and by inserting after paragraph (10) the following new paragraph:

''(11) QUALIFIED MEMBER OF READY RESERVE OR NATIONAL GUARD.—The term 'qualified member of Ready Reserve or National Guard' means an individual who is certified by the local designated agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks and who is a member of—

''(A) the Ready Reserve (as described in section 10142 of title 10, United States Code), or

''(B) the National Guard (as defined in section 101(c)(1) of such title 10).''.

(d) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code of 1986, as amended by subsection (c)(2), is amended by adding at the end the following new paragraph:

''(16) SIMPLIFIED CERTIFICATION FOR UNEMPLOYED VETERANS AND MEMBERS OF THE READY RESERVE AND NATIONAL GUARD.—

''(A) IN GENERAL.—Any individual under paragraph (3)(A)(ii)(II), (3)(A)(iii), (3)(A)(iv), or (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment described in such paragraph if—

''(i) in the case of an individual under paragraph (3)(A)(ii)(II) or (3)(A)(iv), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date,

''(ii) in the case of an individual under paragraph (3)(A)(iii), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date, and

''(iii) in the case of an individual under paragraph (11), the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks during the 1-year period ending on the hiring date.

''(B) REGULATORY AUTHORITY.—The Secretary in the Secretary's discretion may provide alternative methods for certification.''.

(e) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''No credit'' and inserting:

''(1) IN GENERAL.—Except as provided in paragraph (2), no'', and

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

''(2) EXCEPTION.—

''(A) IN GENERAL.—In the case of any tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

''(i) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of individuals described in paragraphs (3)(A)(ii)(II), (3)(A)(iii), (3)(A)(iv), or (11), or

''(ii) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(B) CREDIT AMOUNT.—In the case of any tax-exempt employer, the work opportunity credit under subparagraph (A) shall be determined by substituting '26 percent' for '40 percent' in subsections (a) and (i)(3)(A) of section 51 and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

''(C) TAX-EXEMPT EMPLOYER.—For purposes of this paragraph, the term 'tax-exempt employer' means an employer which is—

''(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

''(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

''(D) PAYROLL TAXES.—For purposes of this paragraph, the term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3402(a),

''(ii) amounts required to be withheld from such employees under section 3101, and

''(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.''.

(f) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of the amendments made by this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would

have been provided by the possession by reason of the application of the amendments made by this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by the amendments made by this section (other than this subsection) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of the amendments made by this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection, the term ''possession of the United States'' includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of paragraph (2) of section 1324(b) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from any credit allowed under a section specified in such paragraph.

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

(h) RESCISSION OF UNSPENT FEDERAL FUNDS TO OFFSET LOSS IN REVENUES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, of all available unobligated funds, appropriated discretionary funds are hereby rescinded in such amounts as determined by the Director of the Office of Management and Budget such that the aggregate amount of such rescission equals the reduction in revenues to the Treasury by reason of the amendments made by this section.

(2) IMPLEMENTATION.—The Director of the Office of Management and Budget shall determine and identify from which appropriation accounts the rescission under paragraph (1) shall apply and the amount of such rescission that shall apply to each such account. Not later than 60 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall submit a report to the Secretary of the Treasury and Congress of the accounts and amounts determined and identified for rescission under the preceding sentence.

(3) EXCEPTION.—This subsection shall not apply to the unobligated funds of the Department of Veterans Affairs or the Social Security Administration.

SA 727. Mr. LEVIN (for himself and Ms. STABENOW) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. SENSE OF CONGRESS ON CERTAIN TRADE-DISTORTING PRACTICES OF THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Trade Representative and the United States International Trade Commission should investigate the practices of the Government of the People's Republic of China described in subsection (b) to determine if those practices violate the rules of the World Trade Organization or if a remedy for those practices is available under the laws of the United States; and

(2) the United States Trade Representative should hold the Government of the People's Republic of China accountable for failing to adhere to the spirit and the letter of its trade commitments through all available fora, including through bilateral negotiations and the dispute settlement process of the World Trade Organization.

(b) PRACTICES DESCRIBED.—The practices of the Government of the People's Republic of China described in this subsection are practices that—

(1) nullify or impair the benefits provided to the United States or United States persons under the rules of the World Trade Organization;

(2) impose restraints on the exportation from the People's Republic of China of various forms of raw or precursor materials, including rare earth oxides and alloys;

(3) impose requirements that United States persons transfer technology or other intellectual property to entities of the People's Republic of China as a precondition for gaining or increasing access to the market of the People's Republic of China;

(4) impose nontariff barriers to the importation of goods and services from the United States, including goods and services produced or provided by the renewable and clean energy, clean transportation, and new energy vehicle sectors; and

(5) discriminate against intellectual property on the basis of its national origin.

(c) DEFINITIONS.—In this section:

(1) ENTITY OF THE PEOPLE'S REPUBLIC OF CHINA.—The term ''entity of the People's Republic of China'' means an entity owned or controlled by the Government of the People's Republic of China or by citizens of the People's Republic of China.

(2) UNITED STATES PERSON.—The term ''United States person'' means—

(A) an individual who is a citizen of the United States or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SA 728. Mr. COONS (for himself, Mr. GRASSLEY, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PREVENTING THE IMPORTATION OF COUNTERFEIT PRODUCTS AND INFRINGING DEVICES.

Notwithstanding section 1905 of title 18, United States Code—

(1) if United States Customs and Border Protection suspects a product of being imported or exported in violation of section 42 of the Act entitled ''An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (commonly referred to as the ''Trademark Act of 1946'') (15 U.S.C. 1124), and subject to any applicable bonding requirements, the Secretary of Homeland Security is authorized to share information on, and unredacted samples of, products and their packaging and labels, or photos of such products, packaging and labels, with the rightholders of the trademark suspected of being copied or simulated, for purposes of determining whether the products are prohibited from importation under that section; and

(2) upon seizure of material by United States Customs and Border Protection imported in violation of subsection (a)(2) or subsection (b) of section 1201 of title 17, United States Code, the Secretary of Homeland Security is authorized to share information about, and provide samples to affected parties, subject to any applicable bonding requirements, as to the seizure of material designed to circumvent technological measures or protection afforded by a technological measure that controls access to or protects the owner's work protected by copyright under such title.

SA 729. Mr. COONS (for himself and Mr. KOHL) submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended to read as follows:

''§ 1836. Civil proceedings

''(a) BY ATTORNEY GENERAL.—

''(1) IN GENERAL.—The Attorney General may bring a civil action to obtain relief described in paragraph (2) for any violation of this chapter.

''(2) RELIEF.—Relief described in this paragraph is—

''(A) appropriate injunctive relief against any violation of this chapter, including the actual or threatened misappropriation of trade secrets;

''(B) if determined appropriate by the court, an order requiring affirmative actions to be taken to protect a trade secret; and

''(C) if the court determines that it would be unreasonable to prohibit use of a trade secret, an order requiring payment of a reasonable royalty for any use of the trade secret.

''(b) PRIVATE CIVIL ACTIONS.—

''(1) IN GENERAL.—Any person aggrieved by a violation of section 1832(a) may bring a civil action under this subsection.

''(2) PLEADINGS.—A complaint filed in a civil action brought under this subsection shall—

''(A) describe with specificity the reasonable measures taken to protect the secrecy of the alleged trade secrets in dispute; and

''(B) include a sworn representation by the party asserting the claim that the dispute involves either substantial need for nationwide service of process or misappropriation of trade secrets from the United States to another country.

''(3) CIVIL EX PARTE SEIZURE ORDER.—

''(A) IN GENERAL.—In a civil action brought under this subsection, the court may, upon ex parte application and if the court finds by clear and convincing evidence that issuing the order is necessary to prevent irreparable harm, issue an order providing for—

''(i) the seizure of any property (including computers) used or intended to be used, in any manner or part, to commit or facilitate the commission of the violation alleged in the civil action; and

''(ii) the preservation of evidence in the civil action.

''(B) SCOPE OF ORDERS.—An order issued under subparagraph (A) shall—

''(i) authorize the retention of the seized property for a reasonably limited period, not to exceed 72 hours under the initial order, which may be extended by the court after notice to the affected party and an opportunity to be heard;

''(ii) require that any copies of seized property made by the requesting party be made at the expense of the requesting party; and

''(iii) require the requesting party to return the seized property to the party from which the property were seized at the end of the period authorized under clause (i), including any extension.

''(4) REMEDIES.—In a civil action brought under this subsection, a court may—

''(A) order relief described in subsection (a)(2);

''(B) award—

''(i) damages for actual loss caused by the misappropriation of a trade secret; and

''(ii) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss;

''(C) if the trade secret is willfully or maliciously misappropriated, award exemplary damages in an amount not more than the amount of the damages awarded under subparagraph (B); and

''(D) if a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or opposed in bad faith, or a trade secret is willfully and maliciously misappropriated, award reasonable attorney's fees to the prevailing party.

''(c) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

''(d) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 3 years after the date on which the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

''1836. Civil proceedings.''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

SA 730. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. DEPUTY UNITED STATES TRADE REPRESENTATIVE FOR TRADE ENFORCEMENT.

(a) ESTABLISHMENT OF POSITION.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended by inserting '', one of whom shall be the Deputy United States Trade Representative for Trade Enforcement,'' after ''three Deputy United States Trade Representatives''.

(b) FUNCTIONS OF POSITION.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended—

(1) in paragraph (4), by striking ''Each'' and inserting ''Except as provided in paragraph (6), each'';

(2) by moving paragraph (5) 2 ems to the left; and

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

''(6)(A) The principal function of the Deputy United States Trade Representative for Trade Enforcement shall be to ensure that United States trading partners comply with trade agreements to which the United States is a party.

''(B) The Deputy United States Trade Representative for Trade Enforcement shall—

''(i) assist the United States Trade Representative in investigating and prosecuting disputes pursuant to trade agreements to which the United States is a party, including before the World Trade Organization;

''(ii) assist the Secretary of the Treasury in determining under section 7(a) of the Currency Exchange Rate Oversight Reform Act of 2011 if a country the currency of which has been designated for priority action under section 4(a)(3) of that Act has adopted appropriate policies, and taken identifiable action, to eliminate the fundamental misalignment of that currency;

''(iii) assist the United States Trade Representative in consultations in the World Trade Organization under section 7(a)(1) of the Currency Exchange Rate Oversight Reform Act of 2011;

''(iv) assist the United States Trade Representative in carrying out the Trade Representative's functions under subsection (d);

''(v) make recommendations with respect to the administration of United States trade laws relating to foreign government barriers to United States goods, services, investment, and intellectual property, and with respect to government procurement and other trade matters; and

''(vi) perform such other functions as the United States Trade Representative may direct.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date on which an individual nominated by the President to the position of Deputy United States Trade Representative for Trade Enforcement is confirmed by the United States Senate.

SA 731. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. UNFUNDED MANDATES REFORM.

(a) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—

(1) REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.—Section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended—

(A) by striking the section heading and inserting the following:

''SEC. 202. REGULATORY IMPACT ANALYSES FOR CERTAIN RULES.'';

(B) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(C) by striking subsection (a) and inserting the following:

''(a) DEFINITION.—In this section, the term 'cost' means the cost of compliance and any reasonably foreseeable indirect costs, including revenues lost as a result of an agency rule subject to this section.

''(b) IN GENERAL.—Before promulgating any proposed or final rule that may have an annual effect on the economy of $100,000,000 or more (adjusted for inflation), or that may result in the expenditure by State, local, and tribal governments, in the aggregate, of $100,000,000 or more (adjusted for inflation) in any 1 year, each agency shall prepare and publish in the Federal Register an initial and final regulatory impact analysis. The initial regulatory impact analysis shall accompany the agency's notice of proposed rulemaking and shall be open to public comment. The final regulatory impact analysis shall accompany the final rule.

''(c) CONTENT.—The initial and final regulatory impact analysis under subsection (b) shall include—

''(1)(A) an analysis of the anticipated benefits and costs of the rule, which shall be quantified to the extent feasible;

''(B) an analysis of the benefits and costs of a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives that—

''(i) require no action by the Federal Government; and

''(ii) use incentives and market-based means to encourage the desired behavior, provide information upon which choices can be made by the public, or employ other flexible regulatory options that permit the greatest flexibility in achieving the objectives of the statutory provision authorizing the rule; and

''(C) an explanation that the rule meets the requirements of section 205;

''(2) an assessment of the extent to which—

''(A) the costs to State, local and tribal governments may be paid with Federal financial assistance (or otherwise paid for by the Federal Government); and

''(B) there are available Federal resources to carry out the rule;

''(3) estimates of—

''(A) any disproportionate budgetary effects of the rule upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector; and

''(B) the effect of the rule on job creation or job loss, which shall be quantified to the extent feasible; and

''(4)(A) a description of the extent of the agency's prior consultation with elected representatives (under section 204) of the affected State, local, and tribal governments;

''(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency; and

''(C) a summary of the agency's evaluation of those comments and concerns.'';

(D) in subsection (d) (as redesignated by paragraph (2) of this subsection), by striking ''subsection (a)'' and inserting ''subsection (b)''; and

(E) in subsection (e) (as redesignated by paragraph (2) of this subsection), by striking

''subsection (a)'' each place that term appears and inserting ''subsection (b)''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Unfunded Mandates Reform Act of 1995 is amended by striking the item relating to section 202 and inserting the following:

''Sec. 202. Regulatory impact analyses for certain rules.''.

(b) LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.—Section 205 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1535) is amended by striking section 205 and inserting the following:

''SEC. 205. LEAST BURDENSOME OPTION OR EXPLANATION REQUIRED.

''Before promulgating any proposed or final rule for which a regulatory impact analysis is required under section 202, the agency shall—

''(1) identify and consider a reasonable number of regulatory alternatives within the range of the agency's discretion under the statute authorizing the rule, including alternatives required under section 202(b)(1)(B); and

''(2) from the alternatives described under paragraph (1), select the least costly or least burdensome alternative that achieves the objectives of the statute.''.

SA 732. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. INCLUSION OF APPLICATION TO INDEPENDENT REGULATORY AGENCIES.

(a) IN GENERAL.—Section 421(1) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 658(1)) is amended by striking '', but does not include independent regulatory agencies''.

(b) EXEMPTION FOR MONETARY POLICY.—The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1501 et seq.) is amended by inserting after section 5 the following:

''SEC. 6. EXEMPTION FOR MONETARY POLICY.

''Nothing in title II, III, or IV shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SA 733. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, between lines 24 and 25, insert the following:

(6) SUBSIDIES COUNTERNOTIFICATION.—The United States Trade Representative shall—

(A) not later than 90 days after the Secretary determines that the country has failed to adopt appropriate policies, or take identifiable action, to eliminate the fundamental misalignment of its currency, and annually thereafter, review the notification of subsidies, if any, submitted by the country under Article 25 of the Agreement on Subsidies and Countervailing Measures (referred to in section 101(d)(12) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(12))); and

(B) notify the Committee on Subsidies and Countervailing Measures under Article 25 of that Agreement of all subsidies of the country identified by the United States not later than 180 days after conducting the review required by subparagraph (A) if the Trade Representative determines that the country has, for 2 consecutive years—

(i) failed to submit such a notification; or

(ii) omitted information or included inaccurate information in such a notification that is material with respect to the totality of the subsidies of the country.

SA 734. Mr. JOHNSON of Wisconsin submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. _____. REGULATION MORATORIUM AND JOBS PRESERVATION ACT OF 2011.

(a) SHORT TITLE.—This section may be cited as the ''Regulation Moratorium and Jobs Preservation Act of 2011''.

(b) DEFINITIONS.—In this section—

(1) the term ''agency'' has the meaning given under section 3502(1) of title 44, United States Code;

(2) the term ''regulatory action'' means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

(3) the term ''significant regulatory action'' means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term ''small entities'' has the meaning given under section 601(6) of title 5, United States Code.

(c) SIGNIFICANT REGULATORY ACTIONS.—

(1) IN GENERAL.—No agency may take any significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(2) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 7.7 percent.

(d) WAIVERS.—

(1) NATIONAL SECURITY OR NATIONAL EMERGENCY.—The President may waive the application of subsection (c) to any significant regulatory action, if the President—

(A) determines that the waiver is necessary on the basis of national security or a national emergency; and

(B) submits notification to Congress of that waiver and the reasons for that waiver.

(2) ADDITIONAL WAIVERS.—

(A) SUBMISSION.—The President may submit a request to Congress for a waiver of the application of subsection (c) to any significant regulatory action.

(B) CONTENTS.—A submission under this paragraph shall include—

(i) an identification of the significant regulatory action; and

(ii) the reasons which necessitate a waiver for that significant regulatory action.

(C) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any waiver request submitted under this paragraph.

(e) JUDICIAL REVIEW.—

(1) DEFINITION.—In this subsection, the term ''small business'' means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than $7,000,000 on the date a civil action arising under this section is filed.

(2) REVIEW.—Any person that is adversely affected or aggrieved by any significant regulatory action in violation of this section is entitled to judicial review in accordance with chapter 7 of title 5, United States Code.

(3) JURISDICTION.—Each court having jurisdiction to review any significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this section.

(4) RELIEF.—In granting any relief in any civil action under this subsection, the court shall order the agency to take corrective action consistent with this section and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security from persons or states engaged in hostile or military activities against the United States.

(5) REASONABLE ATTORNEY FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney fees and costs to a substantially prevailing small business in any civil action arising under this section. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency changes its position as a result of the civil action.

(6) LIMITATION ON COMMENCING CIVIL ACTION.—A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

SA 735. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION B—AMERICAN JOBS ACT OF 2011

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This division may be cited as the ''American Jobs Act of 2011''.

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

SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to ''this Act'' contained in any subtitle of this division shall be treated as referring only to the provisions of that subtitle.

SEC. 3. SEVERABILITY.

If any provision of this division, or the application thereof to any person or circumstance, is held invalid, the remainder of the division and the application of such provision to other persons or circumstances shall not be affected thereby.

SEC. 4. BUY AMERICAN—USE OF AMERICAN IRON, STEEL, AND MANUFACTURED GOODS.

(a) None of the funds appropriated or otherwise made available by this division may be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States.

(b) Subsection (a) shall not apply in any case or category of cases in which the head of the Federal department or agency involved finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron, steel, and manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the head of a Federal department or agency determines that it is necessary to waive the application of subsection (a) based on a finding under subsection (b), the head of the department or agency shall publish in the Federal Register a detailed written justification as to why the provision is being waived.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

SEC. 5. WAGE RATE AND EMPLOYMENT PROTECTION REQUIREMENTS.

(a) Notwithstanding any other provision of law and in a manner consistent with other provisions in this division, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this division shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.

(b) With respect to the labor standards specified in this section, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.

(c) Projects as defined under title 49, United States Code, funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be subject to the requirements of section 5333(b) of title 49, United States Code.

TITLE I—RELIEF FOR WORKERS AND BUSINESSES

Subtitle A—Payroll Tax Relief

SEC. 101. TEMPORARY PAYROLL TAX CUT FOR EMPLOYERS, EMPLOYEES AND THE SELF-EMPLOYED.

(a) WAGES.—Notwithstanding any other provision of law—

(1) with respect to remuneration received during the payroll tax holiday period, the rate of tax under 3101(a) of the Internal Revenue Code of 1986 shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3201(a) and 3211(a) of such Code), and

(2) with respect to remuneration paid during the payroll tax holiday period, the rate of tax under 3111(a) of such Code shall be 3.1 percent (including for purposes of determining the applicable percentage under sections 3221(a) and 3211(a) of such Code).

(3) Subsection (a)(2) shall only apply to—

(A) employees performing services in a trade or business of a qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a), in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(4) Subsection (a)(2) shall apply only to the first $5 million of remuneration or compensation paid by a qualified employer subject to section 3111(a) or a corresponding amount of compensation subject to 3221(a).

(b) SELF-EMPLOYMENT TAXES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, with respect to any taxable year which begins in the payroll tax holiday period, the rate of tax under section 1401(a) of the Internal Revenue Code of 1986 shall be—

(A) 6.2 percent on the portion of net earnings from self-employment subject to 1401(a) during the payroll tax period that does not exceed the amount of the excess of $5 million over total remuneration, if any, subject to section 3111(a) paid during the payroll tax holiday period to employees of the self-employed person, and

(B) 9.3 percent for any portion of net earnings from self-employment not subject to subsection (b)(1)(A).

(2) COORDINATION WITH DEDUCTIONS FOR EMPLOYMENT TAXES.—For purposes of the Internal Revenue Code of 1986, in the case of any taxable year which begins in the payroll tax holiday period—

(A) DEDUCTION IN COMPUTING NET EARNINGS FROM SELF-EMPLOYMENT.—The deduction allowed under section 1402(a)(12) of such Code shall be the sum of (i) 4.55 percent times the amount of the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section, plus (ii) 7.65 percent of the taxpayer's net earnings from self-employment in excess of that amount.

(B) INDIVIDUAL DEDUCTION.—The deduction under section 164(f) of such Code shall be equal to the sum of (i) one-half of the taxes imposed by section 1401 (after the application of this section) with respect to the taxpayer's net earnings from self-employment for the taxable year subject to paragraph (b)(1)(A) of this section plus (ii) 62.7 percent of the taxes imposed by section 1401 (after the application of this section) with respect to the excess.

(c) REGULATORY AUTHORITY.—The Secretary may prescribe any such regulations or other guidance necessary or appropriate to carry out this section, including the allocation of the excess of $5 million over total remuneration subject to section 3111(a) paid during the payroll tax holiday period among related taxpayers treated as a single qualified employer.

(d) DEFINITIONS.—

(1) PAYROLL TAX HOLIDAY PERIOD.—The term ''payroll tax holiday period'' means calendar year 2012.

(2) QUALIFIED EMPLOYER.—For purposes of this paragraph,

(A) IN GENERAL.—The term ''qualified employer'' means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(B) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding paragraph (A), the term ''qualified employer'' includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(3) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(e) TRANSFERS OF FUNDS.—

(1) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsections (a) and (b) to employers other than those described in (e)(2). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(2) TRANSFERS TO SOCIAL SECURITY EQUIVALENT BENEFIT ACCOUNT.—There are hereby appropriated to the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of the application of subsection (a) to

employers subject to the Railroad Retirement Tax. Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Account had such amendments not been enacted.

(f) COORDINATION WITH OTHER FEDERAL LAWS.—For purposes of applying any provision of Federal law other than the provisions of the Internal Revenue Code of 1986, the rate of tax in effect under section 3101(a) of such Code shall be determined without regard to the reduction in such rate under this section.

SEC. 102. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—Notwithstanding any other provision of law, each qualified employer shall be allowed, with respect to wages for services performed for such qualified employer, a payroll increase credit determined as follows:

(1) With respect to the period from October 1, 2011 through December 31, 2011, 6.2 percent of the excess, if any, (but not more than $12.5 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for the corresponding period of 2010.

(2) With respect to the period from January 1, 2012 through December 31, 2012,

(A) 6.2 percent of the excess, if any, (but not more than $50 million of the excess) of the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 for such period over such wages for calendar year 2011, minus

(B) 3.1 percent of the result (but not less than zero) of subtracting from $5 million such wages for calendar year 2011.

(3) In the case of a qualified employer for which the wages subject to tax under section 3111(a) of the Internal Revenue Code of 1986 (a) were zero for the corresponding period of 2010 referred to in subsection (a)(1), the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for the period from October 1, 2011 through December 31, 2011 and (b) were zero for the calendar year 2011 referred to in subsection (a)(2), then the amount of such wages shall be deemed to be 80 percent of the amount of wages taken into account for 2012.

(4) This subsection (a) shall only apply with respect to the wages of employees performing services in a trade or business of a qualified employer or, in the case of a qualified employer exempt from tax under section 501(a) of the Internal Revenue Code of 1986, in furtherance of the activities related to the purpose or function constituting the basis of the employer's exemption under section 501.

(b) QUALIFIED EMPLOYERS.—For purposes of this section—

(1) IN GENERAL.—The term ''qualified employer'' means any employer other than the United States, any State or possession of the United States, or any political subdivision thereof, or any instrumentality of the foregoing.

(2) TREATMENT OF EMPLOYEES OF POST-SECONDARY EDUCATIONAL INSTITUTIONS.—Notwithstanding subparagraph (1), the term ''qualified employer'' includes any employer which is a public institution of higher education (as defined in section 101 of the Higher Education Act of 1965).

(c) AGGREGATION RULES.—For purposes of this subsection rules similar to sections 414(b), 414(c), 414(m) and 414(o) of the Internal Revenue Code of 1986 shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary.

(d) APPLICATION OF CREDITS.—The payroll increase credit shall be treated as a credit allowable under Subtitle C of the Internal Revenue Code of 1986 under rules prescribed by the Secretary of the Treasury, provided that the amount so treated for the period described in subsection (a)(1) or subsection (a)(2) shall not exceed the amount of tax imposed on the qualified employer under section 3111(a) of such Code for the relevant period. Any income tax deduction by a qualified employer for amounts paid under section 3111(a) of such Code or similar Railroad Retirement Tax provisions shall be reduced by the amounts so credited.

(e) TRANSFERS TO FEDERAL OLD-AGE AND SURVIVORS INSURANCE TRUST FUND.—There are hereby appropriated to the Federal Old-Age and Survivors Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) amounts equal to the reduction in revenues to the Treasury by reason of the amendments made by subsection (d). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund had such amendments not been enacted.

(f) APPLICATION TO RAILROAD RETIREMENT TAXES.—For purposes of qualified employers that are employers under section 3231(a) of the Internal Revenue Code of 1986, subsections (a)(1) and (a)(2) of this section shall apply by substituting section 3221 for section 3111, and substituting the term ''compensation'' for ''wages'' as appropriate.

Subtitle B—Other Relief for Businesses

SEC. 111. EXTENSION OF TEMPORARY 100 PERCENT BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) IN GENERAL.—Paragraph (5) of section 168(k) of the Internal Revenue Code is amended—

(1) by striking ''January 1, 2012'' each place it appears and inserting ''January 1, 2013'', and

(2) by striking ''January 1, 2013'' and inserting ''January 1, 2014''.

(b) CONFORMING AMENDMENT.—The heading for paragraph (5) of section 168(k) of the Internal Revenue Code is amended by striking ''PRE–2012 PERIODS'' and inserting ''PRE–2013 PERIODS''.

SEC. 112. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking ''$2,000,000'' and inserting ''$5,000,000''.

(c) SUNSET.—The amendments made by subsections (a) and (b) of this section shall remain in effect until September 30, 2012.

(d) FUNDING.—There is appropriated out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until expended, for additional capital for the Surety Bond Guarantees Revolving Fund, as authorized by the Small Business Investment Act of 1958, as amended.

SEC. 113. DELAY IN APPLICATION OF WITHHOLDING ON GOVERNMENT CONTRACTORS.

Subsection (b) of section 511 of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking ''December 31, 2011'' and inserting ''December 31, 2013''.

TITLE II—PUTTING WORKERS BACK ON THE JOB WHILE REBUILDING AND MODERNIZING AMERICA

Subtitle A—Veterans Hiring Preferences

SEC. 201. RETURNING HEROES AND WOUNDED WARRIORS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by striking ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))'' and inserting ''($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(I), $14,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(iv), and $24,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii)(II))''.

(b) RETURNING HEROES TAX CREDITS.—Section 51(d)(3)(A) of the Internal Revenue Code is amended by striking ''or'' at the end of paragraph (3)(A)(i), and inserting the following new paragraphs after paragraph (ii)—

''(iii) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 4 weeks (but less than 6 months), or

''(iv) having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.''.

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 15 as follows—

''(15) CREDIT ALLOWED FOR UNEMPLOYED VETERANS.—

''(A) IN GENERAL.—Any qualified veteran under paragraphs (3)(A)(ii)(II), (3)(A)(iii), and (3)(A)(iv) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

''(i) in the case of qualified veterans under paragraphs (3)(A)(ii)(II) and (3)(A)(iv), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date; or

''(ii) in the case of a qualified veteran under paragraph (3)(A)(iii), the veteran is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 4 weeks (but less than 6 months) during the 1-year period ending on the hiring date.

''(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.''.

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word ''No'' at the beginning of the section and replacing it with ''Except as provided in this subsection, no'';

(2) the following new paragraphs are inserted at the end of section 52(c)—

''(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

''(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified veterans described in sections 51(d)(3)(A)(ii)(II), (iii) or (iv); or

''(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(2) CREDIT AMOUNT.—In calculating for tax-exempt employers, the work opportunity credit shall be determined by substituting '26 percent' for '40 percent' in section 51(a) and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

''(3) TAX-EXEMPT EMPLOYER.—For purposes of this subpart, the term 'tax-exempt employer' means an employer that is—

''(i) an organization described in section 501(c) and exempt from taxation under section 501(a), or

''(ii) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

''(4) PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

''(ii) amounts required to be withheld from such employees under section 3101(a), and

''(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111(a).''.

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term ''possession of the United States'' includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle B—Teacher Stabilization

SEC. 202. PURPOSE.

The purpose of this subtitle is to provide funds to States to prevent teacher layoffs and support the creation of additional jobs in public early childhood, elementary, and secondary education in the 2011–2012 and 2012–2013 school years.

SEC. 203. GRANTS FOR THE OUTLYING AREAS AND THE SECRETARY OF THE INTERIOR; AVAILABILITY OF FUNDS.

(a) RESERVATION OF FUNDS.—From the amount appropriated to carry out this subtitle under section 212, the Secretary—

(1) shall reserve up to one-half of one percent to provide assistance to the outlying areas on the basis of their respective needs, as determined by the Secretary, for activities consistent with this part under such terms and conditions as the Secretary may determine;

(2) shall reserve up to one-half of one percent to provide assistance to the Secretary of the Interior to carry out activities consistent with this part, in schools operated or funded by the Bureau of Indian Education; and

(3) may reserve up to $2,000,000 for administration and oversight of this part, including program evaluation.

(b) AVAILABILITY OF FUNDS.—Funds made available under section 212 shall remain available to the Secretary until September 30, 2012.

SEC. 204. STATE ALLOCATION.

(a) ALLOCATION.—After reserving funds under section 203(a), the Secretary shall allocate to the States—

(1) 60 percent on the basis of their relative population of individuals aged 5 through 17; and

(2) 40 percent on the basis of their relative total population.

(b) AWARDS.—From the funds allocated under subsection (a), the Secretary shall make a grant to the Governor of each State who submits an approvable application under section 214.

(c) ALTERNATE DISTRIBUTION OF FUNDS.—

(1) If, within 30 days after the date of enactment of this Act, a Governor has not submitted an approvable application to the Secretary, the Secretary shall, consistent with paragraph (2), provide for funds allocated to that State to be distributed to another entity or other entities in the State for the support of early childhood, elementary, and secondary education, under such terms and conditions as the Secretary may establish.

(2) MAINTENANCE OF EFFORT.—

(A) GOVERNOR ASSURANCE.—The Secretary shall not allocate funds under paragraph (1) unless the Governor of the State provides an assurance to the Secretary that the State will for fiscal years 2012 and 2013 meet the requirements of section 209.

(B) Notwithstanding subparagraph (A), the Secretary may allocate up to 50 percent of the funds that are available to the State under paragraph (1) to another entity or entities in the State, provided that the State educational agency submits data to the Secretary demonstrating that the State will for fiscal year 2012 meet the requirements of section 209(a) or the Secretary otherwise determines that the State will meet those requirements, or such comparable requirements as the Secretary may establish, for that year.

(3) REQUIREMENTS.—An entity that receives funds under paragraph (1) shall use those funds in accordance with the requirements of this subtitle.

(d) REALLOCATION.—If a State does not receive funding under this subtitle or only receives a portion of its allocation under subsection (c), the Secretary shall reallocate the State's entire allocation or the remaining portion of its allocation, as the case may be, to the remaining States in accordance with subsection (a).

SEC. 205. STATE APPLICATION.

The Governor of a State desiring to receive a grant under this subtitle shall submit an application to the Secretary within 30 days of the date of enactment of this Act, in such manner, and containing such information as the Secretary may reasonably require to determine the State's compliance with applicable provisions of law.

SEC. 206. STATE RESERVATION AND RESPONSIBILITIES.

(a) RESERVATION.—Each State receiving a grant under section 204(b) may reserve—

(1) not more than 10 percent of the grant funds for awards to State-funded early learning programs; and

(2) not more than 2 percent of the grant funds for the administrative costs of carrying out its responsibilities under this subtitle.

(b) STATE RESPONSIBILITIES.—Each State receiving a grant under this subtitle shall, after reserving any funds under subsection (a)—

(1) use the remaining grant funds only for awards to local educational agencies for the support of early childhood, elementary, and secondary education; and

(2) distribute those funds, through subgrants, to its local educational agencies by distributing—

(A) 60 percent on the basis of the local educational agencies' relative shares of enrollment; and

(B) 40 percent on the basis of the local educational agencies' relative shares of funds received under part A of title I of the Elementary and Secondary Education Act of 1965 for fiscal year 2011; and

(3) make those funds available to local educational agencies no later than 100 days after receiving a grant from the Secretary.

(c) PROHIBITIONS.—A State shall not use funds received under this subtitle to directly or indirectly—

(1) establish, restore, or supplement a rainy-day fund;

(2) supplant State funds in a manner that has the effect of establishing, restoring, or supplementing a rainy-day fund;

(3) reduce or retire debt obligations incurred by the State; or

(4) supplant State funds in a manner that has the effect of reducing or retiring debt obligations incurred by the State.

SEC. 207. LOCAL EDUCATIONAL AGENCIES.

Each local educational agency that receives a subgrant under this subtitle—

(1) shall use the subgrant funds only for compensation and benefits and other expenses, such as support services, necessary to retain existing employees, recall or rehire former employees, or hire new employees to provide early childhood, elementary, or secondary educational and related services;

(2) shall obligate those funds no later than September 30, 2013; and

(3) may not use those funds for general administrative expenses or for other support services or expenditures, as those terms are defined by the National Center for Education Statistics in the Common Core of Data, as of the date of enactment of this Act.

SEC. 208. EARLY LEARNING.

Each State-funded early learning program that receives funds under this subtitle shall—

(1) use those funds only for compensation, benefits, and other expenses, such as support

services, necessary to retain early childhood educators, recall or rehire former early childhood educators, or hire new early childhood educators to provide early learning services; and

(2) obligate those funds no later than September 30, 2013.

SEC. 209. MAINTENANCE OF EFFORT.

(a) The Secretary shall not allocate funds to a State under this subtitle unless the State provides an assurance to the Secretary that—

(1) for State fiscal year 2012—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2011; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2011; and

(2) for State fiscal year 2013—

(A) the State will maintain State support for early childhood, elementary, and secondary education (in the aggregate or on the basis of expenditure per pupil) and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at not less than the level of such support for each of the two categories for State fiscal year 2012; or

(B) the State will maintain State support for early childhood, elementary, and secondary education and for public institutions of higher education (not including support for capital projects or for research and development or tuition and fees paid by students) at a percentage of the total revenues available to the State that is equal to or greater than the percentage provided for State fiscal year 2012.

(b) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster; or

(2) a precipitous decline in the financial resources of the State.

SEC. 210. REPORTING.

Each State that receives a grant under this subtitle shall submit, on an annual basis, a report to the Secretary that contains—

(1) a description of how funds received under this part were expended or obligated; and

(2) an estimate of the number of jobs supported by the State using funds received under this subtitle.

SEC. 211. DEFINITIONS.

(a) Except as otherwise provided, the terms ''local educational agency'', ''outlying area'', ''Secretary'', ''State'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) The term ''State'' does not include an outlying area.

(c) The term ''early childhood educator'' means an individual who—

(1) works directly with children in a State-funded early learning program in a low-income community;

(2) is involved directly in the care, development, and education of infants, toddlers, or young children age five and under; and

(3) has completed a baccalaureate or advanced degree in early childhood development or early childhood education, or in a field related to early childhood education.

(d) The term ''State-funded early learning program'' means a program that provides educational services to children from birth to kindergarten entry and receives funding from the State.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, $30,000,000,000 to carry out this subtitle for fiscal year 2012.

Subtitle C—First Responder Stabilization

SEC. 213. PURPOSE.

The purpose of this subtitle is to provide funds to States and localities to prevent layoffs of, and support the creation of additional jobs for, law enforcement officers and other first responders.

SEC. 214. GRANT PROGRAM.

The Attorney General shall carry out a competitive grant program pursuant to section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) for hiring, rehiring, or retention of career law enforcement officers under part Q of such title. Grants awarded under this section shall not be subject to subsections (g) or (i) of section 1701 or to section 1704 of such Act (42 U.S.C. 3796dd–3(c)).

SEC. 215. APPROPRIATIONS.

There are hereby appropriated to the Community Oriented Policing Stabilization Fund out of any money in the Treasury not otherwise obligated, $5,000,000,000, to remain available until September 30, 2012, of which $4,000,000,000 shall be for the Attorney General to carry out the competitive grant program under Section 214; and of which $1,000,000,000 shall be transferred by the Attorney General to a First Responder Stabilization Fund from which the Secretary of Homeland Security shall make competitive grants for hiring, rehiring, or retention pursuant to the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.), to carry out section 34 of such Act (15 U.S.C. 2229a). In making such grants, the Secretary may grant waivers from the requirements in subsections (a)(1)(A), (a)(1)(B), (a)(1)(E), (c)(1), (c)(2), and (c)(4)(A) of section 34. Of the amounts appropriated herein, not to exceed $8,000,000 shall be for administrative costs of the Attorney General, and not to exceed $2,000,000 shall be for administrative costs of the Secretary of Homeland Security.

Subtitle D—School Modernization

PART I—ELEMENTARY AND SECONDARY SCHOOLS

SEC. 221. PURPOSE.

The purpose of this part is to provide assistance for the modernization, renovation, and repair of elementary and secondary school buildings in public school districts across America in order to support the achievement of improved educational outcomes in those schools.

SEC. 222. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, and there are appropriated, $25,000,000,000 to carry out this part, which shall be available for obligation by the Secretary until September 30, 2012.

SEC. 223. ALLOCATION OF FUNDS.

(a) RESERVATIONS.—Of the amount made available to carry out this part, the Secretary shall reserve—

(1) one-half of one percent for the Secretary of the Interior to carry out modernization, renovation, and repair activities described in section 226 in schools operated or funded by the Bureau of Indian Education;

(2) one-half of one percent to make grants to the outlying areas for modernization, renovation, and repair activities described in section 226; and

(3) such funds as the Secretary determines are needed to conduct a survey, by the National Center for Education Statistics, of the school construction, modernization, renovation, and repair needs of the public schools of the United States.

(b) STATE ALLOCATION.—After reserving funds under subsection (a), the Secretary shall allocate the remaining amount among the States in proportion to their respective allocations under part A of title I of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6311 et seq.) for fiscal year 2011, except that—

(1) the Secretary shall allocate 40 percent of such remaining amount to the 100 local educational agencies with the largest numbers of children aged 5–17 living in poverty, as determined using the most recent data available from the Department of Commerce that are satisfactory to the Secretary, in proportion to those agencies' respective allocations under part A of title I of the ESEA for fiscal year 2011; and

(2) the allocation to any State shall be reduced by the aggregate amount of the allocations under paragraph (1) to local educational agencies in that State.

(c) REMAINING ALLOCATION.—

(1) If a State does not apply for its allocation (or applies for less than the full allocation for which it is eligible) or does not use that allocation in a timely manner, the Secretary may—

(A) reallocate all or a portion of that allocation to the other States in accordance with subsection (b); or

(B) use all or a portion of that allocation to make direct allocations to local educational agencies within the State based on their respective allocations under part A of title I of the ESEA for fiscal year 2011 or such other method as the Secretary may determine.

(2) If a local educational agency does not apply for its allocation under subsection (b)(1), applies for less than the full allocation for which it is eligible, or does not use that allocation in a timely manner, the Secretary may reallocate all or a portion of its allocation to the State in which that agency is located.

SEC. 224. STATE USE OF FUNDS.

(a) RESERVATION.—Each State that receives a grant under this part may reserve not more than one percent of the State's allocation under section 223(b) for the purpose of administering the grant, except that no State may reserve more than $750,000 for this purpose.

(b) FUNDS TO LOCAL EDUCATIONAL AGENCIES.—

(1) FORMULA SUBGRANTS.—From the grant funds that are not reserved under subsection (a), a State shall allocate at least 50 percent to local educational agencies, including charter schools that are local educational agencies, that did not receive funds under section 223(b)(1) from the Secretary, in accordance with their respective allocations under part A of title I of the ESEA for fiscal year 2011, except that no such local educational agency shall receive less than $10,000.

(2) ADDITIONAL SUBGRANTS.—The State shall use any funds remaining, after reserving funds under subsection (a) and allocating funds under paragraph (1), for subgrants to local educational agencies that did not receive funds under section 223(b)(1), including charter schools that are local educational agencies, to support modernization, renovation, and repair projects that the State determines, using objective criteria, are most

needed in the State, with priority given to projects in rural local educational agencies.

(c) REMAINING FUNDS.—If a local educational agency does not apply for an allocation under subsection (b)(1), applies for less than its full allocation, or fails to use that allocation in a timely manner, the State may reallocate any unused portion to other local educational agencies in accordance with subsection (b).

SEC. 225. STATE AND LOCAL APPLICATIONS.

(a) STATE APPLICATION.—A State that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) an identification of the State agency or entity that will administer the program; and

(2) the State's process for determining how the grant funds will be distributed and administered, including—

(A) how the State will determine the criteria and priorities in making subgrants under section 224(b)(2);

(B) any additional criteria the State will use in determining which projects it will fund under that section;

(C) a description of how the State will consider—

(i) the needs of local educational agencies for assistance under this part;

(ii) the impact of potential projects on job creation in the State;

(iii) the fiscal capacity of local educational agencies applying for assistance;

(iv) the percentage of children in those local educational agencies who are from low-income families; and

(v) the potential for leveraging assistance provided by this program through matching or other financing mechanisms;

(D) a description of how the State will ensure that the local educational agencies receiving subgrants meet the requirements of this part;

(E) a description of how the State will ensure that the State and its local educational agencies meet the deadlines established in section 228;

(F) a description of how the State will give priority to the use of green practices that are certified, verified, or consistent with any applicable provisions of—

(i) the LEED Green Building Rating System;

(ii) Energy Star;

(iii) the CHPS Criteria;

(iv) Green Globes; or

(v) an equivalent program adopted by the State or another jurisdiction with authority over the local educational agency;

(G) a description of the steps that the State will take to ensure that local educational agencies receiving subgrants will adequately maintain any facilities that are modernized, renovated, or repaired with subgrant funds under this part; and

(H) such additional information and assurances as the Secretary may require.

(b) LOCAL APPLICATION.—A local educational agency that is eligible under section 223(b)(1) that desires to receive a grant under this part shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require, which shall include—

(1) a description of how the local educational agency will meet the deadlines and requirements of this part;

(2) a description of the steps that the local educational agency will take to adequately maintain any facilities that are modernized, renovated, or repaired with funds under this part; and

(3) such additional information and assurances as the Secretary may require.

SEC. 226. USE OF FUNDS.

(a) IN GENERAL.—Funds awarded to local educational agencies under this part shall be used only for either or both of the following modernization, renovation, or repair activities in facilities that are used for elementary or secondary education or for early learning programs:

(1) Direct payments for school modernization, renovation, and repair.

(2) To pay interest on bonds or payments for other financing instruments that are newly issued for the purpose of financing school modernization, renovation, and repair.

(b) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair eligible school facilities.

(c) PROHIBITION.—Funds awarded to local educational agencies under this part may not be used for—

(1) new construction;

(2) payment of routine maintenance costs; or

(3) modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public.

SEC. 227. PRIVATE SCHOOLS.

(a) IN GENERAL.—Section 9501 of the ESEA (20 U.S.C. 7881) shall apply to this part in the same manner as it applies to activities under that Act, except that—

(1) section 9501 shall not apply with respect to the title to any real property modernized, renovated, or repaired with assistance provided under this section;

(2) the term ''services'', as used in section 9501 with respect to funds under this part, shall be provided only to private, nonprofit elementary or secondary schools with a rate of child poverty of at least 40 percent and may include only—

(A) modifications of school facilities necessary to meet the standards applicable to public schools under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

(B) modifications of school facilities necessary to meet the standards applicable to public schools under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); and

(C) asbestos or polychlorinated biphenyls abatement or removal from school facilities; and

(3) expenditures for services provided using funds made available under section 226 shall be considered equal for purposes of section 9501(a)(4) of the ESEA if the per-pupil expenditures for services described in paragraph (2) for students enrolled in private nonprofit elementary and secondary schools that have child-poverty rates of at least 40 percent are consistent with the per-pupil expenditures under this subpart for children enrolled in the public schools of the local educational agency receiving funds under this subpart.

(b) REMAINING FUNDS.—If the expenditure for services described in paragraph (2) is less than the amount calculated under paragraph (3) because of insufficient need for those services, the remainder shall be available to the local educational agency for modernization, renovation, and repair of its school facilities.

(c) APPLICATION.—If any provision of this section, or the application thereof, to any person or circumstance is judicially determined to be invalid, the remainder of the section and the application to other persons or circumstances shall not be affected thereby.

SEC. 228. ADDITIONAL PROVISIONS.

(a) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving grants from the Secretary under section 223(b)(1), by States reserving funds under section 224(a), and by local educational agencies receiving subgrants under section 224(b)(1) only during the period that ends 24 months after the date of enactment of this Act.

(b) Funds appropriated under section 222 shall be available for obligation by local educational agencies receiving subgrants under section 224(b)(2) only during the period that ends 36 months after the date of enactment of this Act.

(c) Section 439 of the General Education Provisions Act (20 U.S.C. 1232b) shall apply to funds available under this part.

(d) For purposes of section 223(b)(1), Hawaii, the District of Columbia, and the Commonwealth of Puerto Rico are not local educational agencies.

PART II—COMMUNITY COLLEGE MODERNIZATION

SEC. 229. FEDERAL ASSISTANCE FOR COMMUNITY COLLEGE MODERNIZATION.

(a) IN GENERAL.—

(1) GRANT PROGRAM.—From the amounts made available under subsection (h), the Secretary shall award grants to States to modernize, renovate, or repair existing facilities at community colleges.

(2) ALLOCATION.—

(A) RESERVATIONS.—Of the amount made available to carry out this section, the Secretary shall reserve—

(i) up to 0.25 percent for grants to institutions that are eligible under section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c) to provide for modernization, renovation, and repair activities described in this section; and

(ii) up to 0.25 percent for grants to the outlying areas to provide for modernization, renovation, and repair activities described in this section.

(B) ALLOCATION.—After reserving funds under subparagraph (A), the Secretary shall allocate to each State that has an application approved by the Secretary an amount that bears the same relation to any remaining funds as the total number of students in such State who are enrolled in institutions described in section 230(b)(1)(A) plus the number of students who are estimated to be enrolled in and pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree in institutions described in section 230(b)(1)(B), based on the proportion of degrees or certificates awarded by such institutions that are not bachelor's, master's, professional, or other advanced degrees, as reported to the Integrated Postsecondary Data System bears to the estimated total number of such students in all States, except that no State shall receive less than $2,500,000.

(C) REALLOCATION.—Amounts not allocated under this section to a State because the State either did not submit an application under subsection (b), the State submitted an application that the Secretary determined did not meet the requirements of such subsection, or the State cannot demonstrate to the Secretary a sufficient demand for projects to warrant the full allocation of the funds, shall be proportionately reallocated under this paragraph to the other States that have a demonstrated need for, and are receiving, allocations under this section.

(D) STATE ADMINISTRATION.—A State that receives a grant under this section may use not more than one percent of that grant to administer it, except that no State may use more than $750,000 of its grant for this purpose.

(3) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this section shall be used to supplement, and not supplant, other

Federal, State, and local funds that would otherwise be expended to modernize, renovate, or repair existing community college facilities.

(b) APPLICATION.—A State that desires to receive a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require. Such application shall include a description of—

(1) how the funds provided under this section will improve instruction at community colleges in the State and will improve the ability of those colleges to educate and train students to meet the workforce needs of employers in the State; and

(2) the projected start of each project and the estimated number of persons to be employed in the project.

(c) PROHIBITED USES OF FUNDS.—

(1) IN GENERAL.—No funds awarded under this section may be used for—

(i) payment of routine maintenance costs;

(ii) construction, modernization, renovation, or repair of stadiums or other facilities primarily used for athletic contests or exhibitions or other events for which admission is charged to the general public; or

(iii) construction, modernization, renovation, or repair of facilities—

(I) used for sectarian instruction, religious worship, or a school or department of divinity; or

(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.

(2) FOUR-YEAR INSTITUTIONS.—No funds awarded to a four-year public institution of higher education under this section may be used for any facility, service, or program of the institution that is not available to students who are pursuing a degree or certificate that is not a bachelor's, master's, professional, or other advanced degree.

(d) GREEN PROJECTS.—In providing assistance to community college projects under this section, the State shall consider the extent to which a community college's project involves activities that are certified, verified, or consistent with the applicable provisions of—

(1) the LEED Green Building Rating System;

(2) Energy Star;

(3) the CHPS Criteria, as applicable;

(4) Green Globes; or

(5) an equivalent program adopted by the State or the State higher education agency that includes a verifiable method to demonstrate compliance with such program.

(e) APPLICATION OF GEPA.—Section 439 of the General Education Provisions Act such Act (20 U.S.C. 1232b) shall apply to funds available under this subtitle.

(f) REPORTS BY THE STATES.—Each State that receives a grant under this section shall, not later than September 30, 2012, and annually thereafter for each fiscal year in which the State expends funds received under this section, submit to the Secretary a report that includes—

(1) a description of the projects for which the grant was, or will be, used;

(2) a description of the amount and nature of the assistance provided to each community college under this section; and

(3) the number of jobs created by the projects funded under this section.

(g) REPORT BY THE SECRETARY.—The Secretary shall submit to the authorizing committees (as defined in section 103 of the Higher Education Act of 1965; 20 U.S.C. 1003) an annual report on the grants made under this section, including the information described in subsection (f).

(h) AVAILABILITY OF FUNDS.—

(1) There are authorized to be appropriated, and there are appropriated, to carry out this section (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated), $5,000,000,000 for fiscal year 2012.

(2) Funds appropriated under this subsection shall be available for obligation by community colleges only during the period that ends 36 months after the date of enactment of this Act.

PART III—GENERAL PROVISIONS

SEC. 230. DEFINITIONS.

(a) ESEA TERMS.—Except as otherwise provided, in this subtitle, the terms ''local educational agency'', ''Secretary'', and ''State educational agency'' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(b) ADDITIONAL DEFINITIONS.—The following definitions apply to this title:

(1) COMMUNITY COLLEGE.—The term ''community college'' means—

(A) a junior or community college, as that term is defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

(B) a four-year public institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that awards a significant number of degrees and certificates, as determined by the Secretary, that are not—

(i) bachelor's degrees (or an equivalent); or

(ii) master's, professional, or other advanced degrees.

(2) CHPS CRITERIA.—The term ''CHPS Criteria'' means the green building rating program developed by the Collaborative for High Performance Schools.

(3) ENERGY STAR.—The term ''Energy Star'' means the Energy Star program of the United States Department of Energy and the United States Environmental Protection Agency.

(4) GREEN GLOBES.—The term ''Green Globes'' means the Green Building Initiative environmental design and rating system referred to as Green Globes.

(5) LEED GREEN BUILDING RATING SYSTEM.—The term ''LEED Green Building Rating System'' means the United States Green Building Council Leadership in Energy and Environmental Design green building rating standard referred to as the LEED Green Building Rating System.

(6) MODERNIZATION, RENOVATION, AND REPAIR.—The term ''modernization, renovation and repair'' means—

(A) comprehensive assessments of facilities to identify—

(i) facility conditions or deficiencies that could adversely affect student and staff health, safety, performance, or productivity or energy, water, or materials efficiency; and

(ii) needed facility improvements;

(B) repairing, replacing, or installing roofs (which may be extensive, intensive, or semi-intensive ''green'' roofs); electrical wiring; water supply and plumbing systems, sewage systems, storm water runoff systems, lighting systems (or components of such systems); or building envelope, windows, ceilings, flooring, or doors, including security doors;

(C) repairing, replacing, or installing heating, ventilation, or air conditioning systems, or components of those systems (including insulation), including by conducting indoor air quality assessments;

(D) compliance with fire, health, seismic, and safety codes, including professional installation of fire and life safety alarms, and modernizations, renovations, and repairs that ensure that facilities are prepared for such emergencies as acts of terrorism, campus violence, and natural disasters, such as improving building infrastructure to accommodate security measures and installing or upgrading technology to ensure that a school or incident is able to respond to such emergencies;

(E) making modifications necessary to make educational facilities accessible in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), except that such modifications shall not be the primary use of a grant or subgrant;

(F) abatement, removal, or interim controls of asbestos, polychlorinated biphenyls, mold, mildew, or lead-based hazards, including lead-based paint hazards;

(G) retrofitting necessary to increase energy efficiency;

(H) measures, such as selection and substitution of products and materials, and implementation of improved maintenance and operational procedures, such as ''green cleaning'' programs, to reduce or eliminate potential student or staff exposure to—

(i) volatile organic compounds;

(ii) particles such as dust and pollens; or

(iii) combustion gases;

(I) modernization, renovation, or repair necessary to reduce the consumption of coal, electricity, land, natural gas, oil, or water;

(J) installation or upgrading of educational technology infrastructure;

(K) installation or upgrading of renewable energy generation and heating systems, including solar, photovoltaic, wind, biomass (including wood pellet and woody biomass), waste-to-energy, solar-thermal, and geothermal systems, and energy audits;

(L) modernization, renovation, or repair activities related to energy efficiency and renewable energy, and improvements to building infrastructures to accommodate bicycle and pedestrian access;

(M) ground improvements, storm water management, landscaping and environmental clean-up when necessary;

(N) other modernization, renovation, or repair to—

(i) improve teachers' ability to teach and students' ability to learn;

(ii) ensure the health and safety of students and staff; or

(iii) improve classroom, laboratory, and vocational facilities in order to enhance the quality of science, technology, engineering, and mathematics instruction; and

(O) required environmental remediation related to facilities modernization, renovation, or repair activities described in subparagraphs (A) through (L).

(7) OUTLYING AREA.—The term ''outlying area'' means the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(8) STATE.—The term ''State'' means each of the 50 States of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

SEC. 231. BUY AMERICAN.

Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) applies to funds made available under this title.

Subtitle E—Immediate Transportation Infrastrucure Investments

SEC. 241. IMMEDIATE TRANSPORTATION INFRASTRUCTURE INVESTMENTS.

(a) GRANTS-IN-AID FOR AIRPORTS.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $2,000,000,000 to carry out airport improvement under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable of the costs for which a grant is made under this

subsection, shall be 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for the Grants-In-Aid for Airports program set forth in any Act or in title 49, United States Code.

(3) DISTRIBUTION OF FUNDS.—Funds provided to the Secretary under this subsection shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471 of such title.

(4) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(5) ADMINISTRATIVE EXPENSES.—Of the funds made available under this subsection, 0.3 percent shall be available to the Secretary for administrative expenses, shall remain available for obligation until September 30, 2015, and may be used in conjunction with funds otherwise provided for the administration of the Grants-In-Aid for Airports program.

(b) NEXT GENERATION AIR TRAFFIC CONTROL ADVANCEMENTS.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $1,000,000,000 for necessary Federal Aviation Administration capital, research and operating costs to carry out Next Generation air traffic control system advancements.

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act.

(c) HIGHWAY INFRASTRUCTURE INVESTMENT.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $27,000,000,000 for restoration, repair, construction and other activities eligible under section 133(b) of title 23, United States Code, and for passenger and freight rail transportation and port infrastructure projects eligible for assistance under section 601(a)(8) of title 23.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable on account of any project or activity carried out with funds made available under this subsection shall be, at the option of the recipient, up to 100 percent of the total cost thereof. The amount made available under this subsection shall not be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs set forth in any Act or in title 23, United States Code.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—Of the funds provided in this subsection, after making the set-asides required by paragraphs (9), (10), (11), (12), and (15), 50 percent of the funds shall be apportioned to States using the formula set forth in section 104(b)(3) of title 23, United States Code, and the remaining funds shall be apportioned to States in the same ratio as the obligation limitation for fiscal year 2010 was distributed among the States in accordance with the formula specified in section 120(a)(6) of division A of Public Law 111–117.

(5) APPORTIONMENT.—Apportionments under paragraph (4) shall be made not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each State an amount equal to 50 percent of the funds apportioned under paragraph (4) to that State (excluding funds suballocated within the State) less the amount of funding obligated (excluding funds suballocated within the State), and the Secretary shall redistribute such amounts to other States that have had no funds withdrawn under this subparagraph in the manner described in section 120(c) of division A of Public Law 111–117.

(B) One year following the date of apportionment, the Secretary shall withdraw from each recipient of funds apportioned under paragraph (4) any unobligated funds, and the Secretary shall redistribute such amounts to States that have had no funds withdrawn under this paragraph (excluding funds suballocated within the State) in the manner described in section 120(c) of division A of Public Law 111–117.

(C) At the request of a State, the Secretary may provide an extension of the one-year period only to the extent that the Secretary determines that the State has encountered extreme conditions that create an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary notify in writing the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works, providing a thorough justification for the extension.

(7) TRANSPORTATION ENHANCEMENTS.—Three percent of the funds apportioned to a State under paragraph (4) shall be set aside for the purposes described in section 133(d)(2) of title 23, United States Code (without regard to the comparison to fiscal year 2005).

(8) SUBALLOCATION.—Thirty percent of the funds apportioned to a State under this subsection shall be suballocated within the State in the manner and for the purposes described in the first sentence of sections 133(d)(3)(A), 133(d)(3)(B), and 133(d)(3)(D) of title 23, United States Code. Such suballocation shall be conducted in every State. Funds suballocated within a State to urbanized areas and other areas shall not be subject to the redistribution of amounts required 180 days following the date of apportionment of funds provided by paragraph (6)(A).

(9) PUERTO RICO AND TERRITORIAL HIGHWAY PROGRAMS.—Of the funds provided under this subsection, $105,000,000 shall be set aside for the Puerto Rico highway program authorized under section 165 of title 23, United States Code, and $45,000,000 shall be for the territorial highway program authorized under section 215 of title 23, United States Code.

(10) FEDERAL LANDS AND INDIAN RESERVATIONS.—Of the funds provided under this subsection, $550,000,000 shall be set aside for investments in transportation at Indian reservations and Federal lands in accordance with the following:

(A) Of the funds set aside by this paragraph, $310,000,000 shall be for the Indian Reservation Roads program, $170,000,000 shall be for the Park Roads and Parkways program, $60,000,000 shall be for the Forest Highway Program, and $10,000,000 shall be for the Refuge Roads program.

(B) For investments at Indian reservations and Federal lands, priority shall be given to capital investments, and to projects and activities that can be completed within 2 years of enactment of this Act.

(C) One year following the enactment of this Act, to ensure the prompt use of the funding provided for investments at Indian reservations and Federal lands, the Secretary shall have the authority to redistribute unobligated funds within the respective program for which the funds were appropriated.

(D) Up to four percent of the funding provided for Indian Reservation Roads may be used by the Secretary of the Interior for program management and oversight and project-related administrative expenses.

(E) Section 134(f)(3)(C)(ii)(II) of title 23, United States Code, shall not apply to funds set aside by this paragraph.

(11) JOB TRAINING.—Of the funds provided under this subsection, $50,000,000 shall be set aside for the development and administration of transportation training programs under section 140(b) title 23, United States Code.

(A) Funds set aside under this subsection shall be competitively awarded and used for the purpose of providing training, apprenticeship (including Registered Apprenticeship), skill development, and skill improvement programs, as well as summer transportation institutes and may be transferred to, or administered in partnership with, the Secretary of Labor and shall demonstrate to the Secretary of Transportation program outcomes, including—

(i) impact on areas with transportation workforce shortages;

(ii) diversity of training participants;

(iii) number of participants obtaining certifications or credentials required for specific types of employment;

(iv) employment outcome metrics, such as job placement and job retention rates, established in consultation with the Secretary of Labor and consistent with metrics used by programs under the Workforce Investment Act;

(v) to the extent practical, evidence that the program did not preclude workers that participate in training or apprenticeship activities under the program from being referred to, or hired on, projects funded under this chapter; and

(vi) identification of areas of collaboration with the Department of Labor programs, including co-enrollment.

(B) To be eligible to receive a competitively awarded grant under this subsection, a State must certify that at least 0.1 percent of the amounts apportioned under the Surface Transportation Program and Bridge Program will be obligated in the first fiscal year after enactment of this Act for job training activities consistent with section 140(b) of title 23, United States Code.

(12) DISADVANTAGED BUSINESS ENTERPRISES.—Of the funds provided under this subsection, $10,000,000 shall be set aside for training programs and assistance programs under section 140(c) of title 23, United States Code. Funds set aside under this paragraph should be allocated to businesses that have proven success in adding staff while effectively completing projects.

(13) STATE PLANNING AND OVERSIGHT EXPENSES.—Of amounts apportioned under paragraph (4) of this subsection, a State may use up to 0.5 percent for activities related to projects funded under this subsection, including activities eligible under sections 134 and 135 of title 23, United States Code, State administration of subgrants, and State oversight of subrecipients.

(14) CONDITIONS.—

(A) Funds made available under this subsection shall be administered as if apportioned under chapter 1 of title 23, United States Code, except for funds made available for investments in transportation at Indian reservations and Federal lands, and for the territorial highway program, which shall be administered in accordance with chapter 2 of title 23, United States Code, and except for

funds made available for disadvantaged business enterprises bonding assistance, which shall be administered in accordance with chapter 3 of title 49, United States Code.

(B) Funds made available under this subsection shall not be obligated for the purposes authorized under section 115(b) of title 23, United States Code.

(C) Funding provided under this subsection shall be in addition to any and all funds provided for fiscal years 2011 and 2012 in any other Act for ''Federal-aid Highways'' and shall not affect the distribution of funds provided for ''Federal-aid Highways'' in any other Act.

(D) Section 1101(b) of Public Law 109–59 shall apply to funds apportioned under this subsection.

(15) OVERSIGHT.—The Administrator of the Federal Highway Administration may set aside up to 0.15 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available to the Federal Highway Administration in this Act, and such funds shall be available through September 30, 2015.

(d) CAPITAL ASSISTANCE FOR HIGH-SPEED RAIL CORRIDORS AND INTERCITY PASSENGER RAIL SERVICE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $4,000,000,000 for grants for high-speed rail projects as authorized under sections 26104 and 26106 of title 49, United States Code, capital investment grants to support intercity passenger rail service as authorized under section 24406 of title 49, United States Code, and congestion grants as authorized under section 24105 of title 49, United States Code, and to enter into cooperative agreements for these purposes as authorized, except that the Administrator of the Federal Railroad Administration may retain up to one percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this subsection, which retained amount shall remain available for obligation until September 30, 2015.

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) FEDERAL SHARE.—The Federal share payable of the costs for which a grant or cooperative agreements is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(4) INTERIM GUIDANCE.—The Secretary shall issue interim guidance to applicants covering application procedures and administer the grants provided under this subsection pursuant to that guidance until final regulations are issued.

(5) INTERCITY PASSENGER RAIL CORRIDORS.—Not less than 85 percent of the funds provided under this subsection shall be for cooperative agreements that lead to the development of entire segments or phases of intercity or high-speed rail corridors.

(6) CONDITIONS.—

(A) In addition to the provisions of title 49, United States Code, that apply to each of the individual programs funded under this subsection, subsections 24402(a)(2), 24402(i), and 24403 (a) and (c) of title 49, United States Code, shall also apply to the provision of funds provided under this subsection.

(B) A project need not be in a State rail plan developed under Chapter 227 of title 49, United States Code, to be eligible for assistance under this subsection.

(C) Recipients of grants under this paragraph shall conduct all procurement transactions using such grant funds in a manner that provides full and open competition, as determined by the Secretary, in compliance with existing labor agreements.

(e) CAPITAL GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION.—

(1) IN GENERAL.—There is made available $2,000,000,000 to enable the Secretary of Transportation to make capital grants to the National Railroad Passenger Corporation (Amtrak), as authorized by section 101(c) of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110–432).

(2) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(3) PROJECT PRIORITY.—The priority for the use of funds shall be given to projects for the repair, rehabilitation, or upgrade of railroad assets or infrastructure, and for capital projects that expand passenger rail capacity including the rehabilitation of rolling stock.

(4) CONDITIONS.—

(A) None of the funds under this subsection shall be used to subsidize the operating losses of Amtrak.

(B) The funds provided under this subsection shall be awarded not later than 90 days after the date of enactment of this Act.

(C) The Secretary shall take measures to ensure that projects funded under this subsection shall be completed within 2 years of enactment of this Act, and shall serve to supplement and not supplant planned expenditures for such activities from other Federal, State, local and corporate sources. The Secretary shall certify to the House and Senate Committees on Appropriations in writing compliance with the preceding sentence.

(5) OVERSIGHT.—The Administrator of the Federal Railroad Administration may set aside 0.5 percent of the funds provided under this subsection to fund the oversight by the Administrator of projects and activities carried out with funds made available in this subsection, and such funds shall be available through September 30, 2015.

(f) TRANSIT CAPITAL ASSISTANCE.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $3,000,000,000 for grants for transit capital assistance grants as defined by section 5302(a)(1) of title 49, United States Code. Notwithstanding any provision of chapter 53 of title 49, however, a recipient of funding under this subsection may use up to 10 percent of the amount provided for the operating costs of equipment and facilities for use in public transportation or for other eligible activities.

(2) FEDERAL SHARE; LIMTATION ON OBLIGATIONS.—The applicable requirements of chapter 53 of title 49, United States Code, shall apply to funding provided under this subsection, except that the Federal share of the costs for which any grant is made under this subsection shall be, at the option of the recipient, up to 100 percent. The amount made available under this subsection shall not be subject to any limitation on obligations for transit programs set forth in any Act or chapter 53 of title 49.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—The Secretary of Transportation shall—

(A) provide 80 percent of the funds appropriated under this subsection for grants under section 5307 of title 49, United States Code, and apportion such funds in accordance with section 5336 of such title;

(B) provide 10 percent of the funds appropriated under this subsection in accordance with section 5340 of such title; and

(C) provide 10 percent of the funds appropriated under this subsection for grants under section 5311 of title 49, United States Code, and apportion such funds in accordance with such section.

(5) APPORTIONMENT.—The funds apportioned under this subsection shall be apportioned not later than 21 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area or State an amount equal to 50 percent of the funds apportioned to such urbanized areas or States less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method he deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area or State any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas or States that have had no funds withdrawn under this proviso utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this proviso shall be utilized promptly.

(C) At the request of an urbanized area or State, the Secretary of Transportation may provide an extension of such 1-year period if the Secretary determines that the urbanized area or State has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify in writing the Committee on Transportation and Infrastructure and the Committee on Banking, Housing and Urban Affairs, providing a thorough justification for the extension.

(7) CONDITIONS.—

(A) Of the funds provided for section 5311 of title 49, United States Code, 2.5 percent shall be made available for section 5311(c)(1).

(B) Section 1101(b) of Public Law 109–59 shall apply to funds appropriated under this subsection.

(C) The funds appropriated under this subsection shall not be comingled with any prior year funds.

(8) OVERSIGHT.—Notwithstanding any other provision of law, 0.3 percent of the funds provided for grants under section 5307 and section 5340, and 0.3 percent of the funds provided for grants under section 5311, shall be available for administrative expenses and program management oversight, and such funds shall be available through September 30, 2015.

(g) STATE OF GOOD REPAIR.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $6,000,000,000 for capital expenditures as authorized by sections 5309(b) (2) and (3) of title 49, United States Code.

(2) FEDERAL SHARE.—The applicable requirements of chapter 53 of title 49, United States Code, shall apply, except that the Federal share of the costs for which a grant is made under this subsection shall be, at the option of the recipient, up to 100 percent.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) DISTRIBUTION OF FUNDS.—

(A) The Secretary of Transportation shall apportion not less than 75 percent of the funds under this subsection for the modernization of fixed guideway systems, pursuant to the formula set forth in section 5336(b) title 49, United States Code, other than subsection (b)(2)(A)(ii).

(B) Of the funds appropriated under this subsection, not less than 25 percent shall be available for the restoration or replacement of existing public transportation assets related to bus systems, pursuant to the formula set forth in section 5336 other than subsection (b).

(5) APPORTIONMENT.—The funds made available under this subsection shall be apportioned not later than 30 days after the date of the enactment of this Act.

(6) REDISTRIBUTION.—

(A) The Secretary shall, 180 days following the date of apportionment, withdraw from each urbanized area an amount equal to 50 percent of the funds apportioned to such urbanized area less the amount of funding obligated, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(B) One year following the date of apportionment, the Secretary shall withdraw from each urbanized area any unobligated funds, and the Secretary shall redistribute such amounts to other urbanized areas that have had no funds withdrawn under this paragraph, utilizing whatever method the Secretary deems appropriate to ensure that all funds redistributed under this paragraph shall be utilized promptly.

(C) At the request of an urbanized area, the Secretary may provide an extension of the 1-year period if the Secretary finds that the urbanized area has encountered an unworkable bidding environment or other extenuating circumstances. Before granting an extension, the Secretary shall notify the Committee on Transportation and Infrastructure and the Committee on Banking, Housing, and Urban Affairs, providing a thorough justification for the extension.

(7) CONDITIONS.—

(A) The provisions of section 1101(b) of Public Law 109–59 shall apply to funds made available under this subsection.

(B) The funds appropriated under this subsection shall not be commingled with any prior year funds.

(8) OVERSIGHT.—Notwithstanding any other provision of law, 0.3 percent of the funds under this subsection shall be available for administrative expenses and program management oversight and shall remain available for obligation until September 30, 2015.

(h) TRANSPORTATION INFRASTRUCTURE GRANTS AND FINANCING.—

(1) IN GENERAL.—There is made available to the Secretary of Transportation $5,000,000,000 for capital investments in surface transportation infrastructure. The Secretary shall distribute funds provided under this subsection as discretionary grants to be awarded to State and local governments or transit agencies on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area, or a region.

(2) FEDERAL SHARE; LIMITATION ON OBLIGATIONS.—The Federal share payable of the costs for which a grant is made under this subsection, shall be 100 percent.

(3) AVAILABILITY.—The amounts made available under this subsection shall be available for obligation until the date that is two years after the date of the enactment of this Act. The Secretary shall obligate amounts totaling not less than 50 percent of the funds made available within one year of enactment and obligate remaining amounts not later than two years after enactment.

(4) PROJECT ELIGIBILITY.—Projects eligible for funding provided under this subsection include—

(A) highway or bridge projects eligible under title 23, United States Code, including interstate rehabilitation, improvements to the rural collector road system, the reconstruction of overpasses and interchanges, bridge replacements, seismic retrofit projects for bridges, and road realignments;

(B) public transportation projects eligible under chapter 53 of title 49, United States Code, including investments in projects participating in the New Starts or Small Starts programs that will expedite the completion of those projects and their entry into revenue service;

(C) passenger and freight rail transportation projects; and

(D) port infrastructure investments, including projects that connect ports to other modes of transportation and improve the efficiency of freight movement.

(5) TIFIA PROGRAM.—The Secretary may transfer to the Federal Highway Administration funds made available under this subsection 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 subsection.

(6) PROJECT PRIORITY.—The Secretary shall give priority to projects that are expected to be completed within 3 years of the date of the enactment of this Act.

(7) DEADLINE FOR ISSUANCE OF COMPETITION CRITERIA.—The Secretary shall publish criteria on which to base the competition for any grants awarded under this subsection not later than 90 days after enactment of this Act. The Secretary shall require applications for funding provided under this subsection to be submitted not later than 180 days after the publication of the criteria, and announce all projects selected to be funded from such funds not later than 1 year after the date of the enactment of the Act.

(8) APPLICABILITY OF TITLE 40.—Each project conducted using funds provided under this subsection shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(9) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to one-half of one percent of the funds provided under this subsection, 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 Maritime Administration, to fund the award and oversight of grants made under this subsection. Funds retained shall remain available for obligation until September 30, 2015.

(i) LOCAL HIRING.—

(1) IN GENERAL.—In the case of the funding made available under subsections (a) through (h) of this section, the Secretary of Transportation may establish standards under which a contract for construction may be advertised that contains requirements for the employment of individuals residing in or adjacent to any of the areas in which the work is to be performed to perform construction work required under the contract, provided that—

(A) all or part of the construction work performed under the contract occurs in an area designated by the Secretary as an area of high unemployment, using data reported by the United States Department of Labor, Bureau of Labor Statistics;

(B) the estimated cost of the project of which the contract is a part is greater than $10 million, except that the estimated cost of the project in the case of construction funded under subsection (c) shall be greater than $50 million; and

(C) the recipient may not require the hiring of individuals who do not have the necessary skills to perform work in any craft or trade; provided that the recipient may require the hiring of such individuals if the recipient establishes reasonable provisions to train such individuals to perform any such work under the contract effectively.

(2) PROJECT STANDARDS.—

(A) IN GENERAL.—Any standards established by the Secretary under this section shall ensure that any requirements specified under subsection (c)(1)—

(i) do not compromise the quality of the project;

(ii) are reasonable in scope and application;

(iii) do not unreasonably delay the completion of the project; and

(iv) do not unreasonably increase the cost of the project.

(B) AVAILABLE PROGRAMS.—The Secretary shall make available to recipients the workforce development and training programs set forth in section 24604(e)(1)(D) of this title to assist recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C). The Secretary of Labor shall make available its qualifying workforce and training development programs to recipients who wish to establish training programs that satisfy the provisions of subsection (c)(1)(C).

(3) IMPLEMENTING REGULATIONS.—The Secretary shall promulgate final regulations to implement the authority of this subsection.

(j) ADMINISTRATIVE PROVISIONS.—

(1) APPLICABILITY OF TITLE 40.—Each project conducted using funds provided under this subtitle shall comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code.

(2) BUY AMERICAN.—Section 1605 of division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) applies to each project conducted using funds provided under this subtitle.

Subtitle F—Building and Upgrading Infrastructure for Long-Term Development

SEC. 242. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Building and Upgrading Infrastructure for Long-Term Development Act''.

SEC. 243. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) infrastructure has always been a vital element of the economic strength of the United States and a key indicator of the international leadership of the United States;

(2) the Erie Canal, the Hoover Dam, the railroads, and the interstate highway system are all testaments to American ingenuity and have helped propel and maintain the United States as the world's largest economy;

(3) according to the World Economic Forum's Global Competitiveness Report, the United States fell to second place in 2009, and dropped to fourth place overall in 2010, however, in the ''Quality of overall infrastructure'' category of the same report, the United States ranked twenty-third in the world;

(4) according to the World Bank's 2010 Logistic Performance Index, the capacity of countries to efficiently move goods and connect manufacturers and consumers with international markets is improving around the world, and the United States now ranks seventh in the world in logistics-related infrastructure behind countries from both Europe and Asia;

(5) according to a January 2009 report from the University of Massachusetts/Alliance for American Manufacturing entitled ''Employment, Productivity and Growth,'' infrastructure investment is a ''highly effective engine of job creation'';

(6) according to the American Society of Civil Engineers, the current condition of the infrastructure in the United States earns a grade point average of D, and an estimated $2,200,000,000,000 investment is needed over the next 5 years to bring American infrastructure up to adequate condition;

(7) according to the National Surface Transportation Policy and Revenue Study Commission, $225,000,000,000 is needed annually from all sources for the next 50 years to upgrade the United States surface transportation system to a state of good repair and create a more advanced system;

(8) the current infrastructure financing mechanisms of the United States, both on the Federal and State level, will fail to meet current and foreseeable demands and will create large funding gaps;

(9) published reports state that there may not be enough demand for municipal bonds to maintain the same level of borrowing at the same rates, resulting in significantly decreased infrastructure investment at the State and local level;

(10) current funding mechanisms are not readily scalable and do not—

(A) serve large in-State or cross jurisdiction infrastructure projects, projects of regional or national significance, or projects that cross sector silos;

(B) sufficiently catalyze private sector investment; or

(C) ensure the optimal return on public resources;

(11) although grant programs of the United States Government must continue to play a central role in financing the transportation, environment, and energy infrastructure needs of the United States, current and foreseeable demands on existing Federal, State, and local funding for infrastructure expansion clearly exceed the resources to support these programs by margins wide enough to prompt serious concerns about the United States ability to sustain long-term economic development, productivity, and international competitiveness;

(12) the capital markets, including pension funds, private equity funds, mutual funds, sovereign wealth funds, and other investors, have a growing interest in infrastructure investment and represent hundreds of billions of dollars of potential investment; and

(13) the establishment of a United States Government-owned, independent, professionally managed institution that could provide credit support to qualified infrastructure projects of regional and national significance, making transparent merit-based investment decisions based on the commercial viability of infrastructure projects, would catalyze the participation of significant private investment capital.

(b) PURPOSE.—The purpose of this Act is to facilitate investment in, and long-term financing of, economically viable infrastructure projects of regional or national significance in a manner that both complements existing Federal, State, local, and private funding sources for these projects and introduces a merit-based system for financing such projects, in order to mobilize significant private sector investment, create jobs, and ensure United States competitiveness through an institution that limits the need for ongoing Federal funding.

SEC. 244. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) AIFA.—The term ''AIFA'' means the American Infrastructure Financing Authority established under this Act.

(2) BLIND TRUST.—The term ''blind trust'' means a trust in which the beneficiary has no knowledge of the specific holdings and no rights over how those holdings are managed by the fiduciary of the trust prior to the dissolution of the trust.

(3) BOARD OF DIRECTORS.—The term ''Board of Directors'' means Board of Directors of AIFA.

(4) CHAIRPERSON.—The term ''Chairperson'' means the Chairperson of the Board of Directors of AIFA.

(5) CHIEF EXECUTIVE OFFICER.—The term ''chief executive officer'' means the chief executive officer of AIFA, appointed under section 247.

(6) COST.—The term ''cost'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(7) DIRECT LOAN.—The term ''direct loan'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(8) ELIGIBLE ENTITY.—The term ''eligible entity'' means an individual, corporation, partnership (including a public-private partnership), joint venture, trust, State, or other non-Federal governmental entity, including a political subdivision or any other instrumentality of a State, or a revolving fund.

(9) INFRASTRUCTURE PROJECT.—

(A) IN GENERAL.—The term ''eligible infrastructure project'' means any non-Federal transportation, water, or energy infrastructure project, or an aggregation of such infrastructure projects, as provided in this Act.

(B) TRANSPORTATION INFRASTRUCTURE PROJECT.—The term ''transportation infrastructure project'' means the construction, alteration, or repair, including the facilitation of intermodal transit, of the following subsectors:

(i) Highway or road.

(ii) Bridge.

(iii) Mass transit.

(iv) Inland waterways.

(v) Commercial ports.

(vi) Airports.

(vii) Air traffic control systems.

(viii) Passenger rail, including high-speed rail.

(ix) Freight rail systems.

(C) WATER INFRASTRUCTURE PROJECT.—The term ''water infrastructure project'' means the construction, consolidation, alteration, or repair of the following subsectors:

(i) Waterwaste treatment facility.

(ii) Storm water management system.

(iii) Dam.

(iv) Solid waste disposal facility.

(v) Drinking water treatment facility.

(vi) Levee.

(vii) Open space management system.

(D) ENERGY INFRASTRUCTURE PROJECT.—The term ''energy infrastructure project'' means the construction, alteration, or repair of the following subsectors:

(i) Pollution reduced energy generation.

(ii) Transmission and distribution.

(iii) Storage.

(iv) Energy efficiency enhancements for buildings, including public and commercial buildings.

(E) BOARD AUTHORITY TO MODIFY SUBSECTORS.—The Board of Directors may make modifications, at the discretion of the Board, to the subsectors described in this paragraph by a vote of not fewer than 5 of the voting members of the Board of Directors.

(10) INVESTMENT PROSPECTUS.—

(A) The term ''investment prospectus'' means the processes and publications described below that will guide the priorities and strategic focus for the Bank's investments. The investment prospectus shall follow rulemaking procedures under section 553 of title 5, United States Code.

(B) The Bank shall publish a detailed description of its strategy in an Investment Prospectus within one year of the enactment of this subchapter. The Investment Prospectus shall—

(i) specify what the Bank shall consider significant to the economic competitiveness of the United States or a region thereof in a manner consistent with the primary objective;

(ii) specify the priorities and strategic focus of the Bank in forwarding its strategic objectives and carrying out the Bank strategy;

(iii) specify the priorities and strategic focus of the Bank in promoting greater efficiency in the movement of freight;

(iv) specify the priorities and strategic focus of the Bank in promoting the use of innovation and best practices in the planning, design, development and delivery of projects;

(v) describe in detail the framework and methodology for calculating application qualification scores and associated ranges as specified in this subchapter, along with the data to be requested from applicants and the mechanics of calculations to be applied to that data to determine qualification scores and ranges;

(vi) describe how selection criteria will be applied by the Chief Executive Officer in determining the competitiveness of an application and its qualification score and range relative to other current applications and previously funded applications; and

(vii) describe how the qualification score and range methodology and project selection framework are consistent with maximizing the Bank goals in both urban and rural areas.

(C) The Investment Prospectus and any subsequent updates thereto shall be approved by a majority vote of the Board of Directors prior to publication.

(D) The Bank shall update the Investment Prospectus on every biennial anniversary of its original publication.

(11) INVESTMENT-GRADE RATING.—The term ''investment-grade rating'' means a rating of BBB minus, Baa3, or higher assigned to an infrastructure project by a ratings agency.

(12) LOAN GUARANTEE.—The term ''loan guarantee'' has the same meaning as in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(13) PUBLIC-PRIVATE PARTNERSHIP.—The term ''public-private partnership'' means any eligible entity—

(A)(i) which is undertaking the development of all or part of an infrastructure project that will have a public benefit, pursuant to requirements established in one or more contracts between the entity and a State or an instrumentality of a State; or

(ii) the activities of which, with respect to such an infrastructure project, are subject to regulation by a State or any instrumentality of a State;

(B) which owns, leases, or operates or will own, lease, or operate, the project in whole or in part; and

(C) the participants in which include not fewer than 1 nongovernmental entity with significant investment and some control over the project or project vehicle.

(14) RURAL INFRASTRUCTURE PROJECT.—The term ''rural infrastructure project'' means an infrastructure project in a rural area, as

that term is defined in section 343(a)(13)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(13)(A)).

(15) SECRETARY.—Unless the context otherwise requires, the term ''Secretary'' means the Secretary of the Treasury or the designee thereof.

(16) SENIOR MANAGEMENT.—The term ''senior management'' means the chief financial officer, chief risk officer, chief compliance officer, general counsel, chief lending officer, and chief operations officer of AIFA established under section 249, and such other officers as the Board of Directors may, by majority vote, add to senior management.

(17) STATE.—The term ''State'' includes the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of Northern Mariana Islands, and any other territory of the United States.

PART I—AMERICAN INFRASTRUCTURE FINANCING AUTHORITY

SEC. 245. ESTABLISHMENT AND GENERAL AUTHORITY OF AIFA.

(a) ESTABLISHMENT OF AIFA.—The American Infrastructure Financing Authority is established as a wholly owned Government corporation.

(b) GENERAL AUTHORITY OF AIFA.—AIFA shall provide direct loans and loan guarantees to facilitate infrastructure projects that are both economically viable and of regional or national significance, and shall have such other authority, as provided in this Act.

(c) INCORPORATION.—

(1) IN GENERAL.—The Board of Directors first appointed shall be deemed the incorporator of AIFA, and the incorporation shall be held to have been effected from the date of the first meeting of the Board of Directors.

(2) CORPORATE OFFICE.—AIFA shall—

(A) maintain an office in Washington, DC; and

(B) for purposes of venue in civil actions, be considered to be a resident of Washington, DC.

(d) RESPONSIBILITY OF THE SECRETARY.—The Secretary shall take such action as may be necessary to assist in implementing AIFA, and in carrying out the purpose of this Act.

(e) RULE OF CONSTRUCTION.—Chapter 91 of title 31, United States Code, does not apply to AIFA, unless otherwise specifically provided in this Act.

SEC. 246. VOTING MEMBERS OF THE BOARD OF DIRECTORS.

(a) VOTING MEMBERSHIP OF THE BOARD OF DIRECTORS.—

(1) IN GENERAL.—AIFA shall have a Board of Directors consisting of 7 voting members appointed by the President, by and with the advice and consent of the Senate, not more than 4 of whom shall be from the same political party.

(2) CHAIRPERSON.—One of the voting members of the Board of Directors shall be designated by the President to serve as Chairperson thereof.

(3) CONGRESSIONAL RECOMMENDATIONS.—Not later than 30 days after the date of enactment of this Act, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives shall each submit a recommendation to the President for appointment of a member of the Board of Directors, after consultation with the appropriate committees of Congress.

(b) VOTING RIGHTS.—Each voting member of the Board of Directors shall have an equal vote in all decisions of the Board of Directors.

(c) QUALIFICATIONS OF VOTING MEMBERS.—Each voting member of the Board of Directors shall—

(1) be a citizen of the United States; and

(2) have significant demonstrated expertise in—

(A) the management and administration of a financial institution relevant to the operation of AIFA; or a public financial agency or authority; or

(B) the financing, development, or operation of infrastructure projects; or

(C) analyzing the economic benefits of infrastructure investment.

(d) TERMS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, each voting member of the Board of Directors shall be appointed for a term of 4 years.

(2) INITIAL STAGGERED TERMS.—Of the voting members first appointed to the Board of Directors—

(A) the initial Chairperson and 3 of the other voting members shall each be appointed for a term of 4 years; and

(B) the remaining 3 voting members shall each be appointed for a term of 2 years.

(3) DATE OF INITIAL NOMINATIONS.—The initial nominations for the appointment of all voting members of the Board of Directors shall be made not later than 60 days after the date of enactment of this Act.

(4) BEGINNING OF TERM.—The term of each of the initial voting members appointed under this section shall commence immediately upon the date of appointment, except that, for purposes of calculating the term limits specified in this subsection, the initial terms shall each be construed as beginning on January 22 of the year following the date of the initial appointment.

(5) VACANCIES.—A vacancy in the position of a voting member of the Board of Directors shall be filled by the President, and a member appointed to fill a vacancy on the Board of Directors occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(e) MEETINGS.—

(1) OPEN TO THE PUBLIC; NOTICE.—Except as provided in paragraph (3), all meetings of the Board of Directors shall be—

(A) open to the public; and

(B) preceded by reasonable public notice.

(2) FREQUENCY.—The Board of Directors shall meet not later than 60 days after the date on which all members of the Board of Directors are first appointed, at least quarterly thereafter, and otherwise at the call of either the Chairperson or 5 voting members of the Board of Directors.

(3) EXCEPTION FOR CLOSED MEETINGS.—The voting members of the Board of Directors may, by majority vote, close a meeting to the public if, during the meeting to be closed, there is likely to be disclosed proprietary or sensitive information regarding an infrastructure project under consideration for assistance under this Act. The Board of Directors shall prepare minutes of any meeting that is closed to the public, and shall make such minutes available as soon as practicable, not later than 1 year after the date of the closed meeting, with any necessary redactions to protect any proprietary or sensitive information.

(4) QUORUM.—For purposes of meetings of the Board of Directors, 5 voting members of the Board of Directors shall constitute a quorum.

(f) COMPENSATION OF MEMBERS.—Each voting member of the Board of Directors shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level III of the Executive Schedule under section 5314 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Board of Directors.

(g) CONFLICTS OF INTEREST.—A voting member of the Board of Directors may not participate in any review or decision affecting an infrastructure project under consideration for assistance under this Act, if the member has or is affiliated with an entity who has a financial interest in such project.

SEC. 247. CHIEF EXECUTIVE OFFICER OF AIFA.

(a) IN GENERAL.—The chief executive officer of AIFA shall be a nonvoting member of the Board of Directors, who shall be responsible for all activities of AIFA, and shall support the Board of Directors as set forth in this Act and as the Board of Directors deems necessary or appropriate.

(b) APPOINTMENT AND TENURE OF THE CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—The President shall appoint the chief executive officer, by and with the advice and consent of the Senate.

(2) TERM.—The chief executive officer shall be appointed for a term of 6 years.

(3) VACANCIES.—Any vacancy in the office of the chief executive officer shall be filled by the President, and the person appointed to fill a vacancy in that position occurring before the expiration of the term for which the predecessor was appointed shall be appointed only for the remainder of that term.

(c) QUALIFICATIONS.—The chief executive officer—

(1) shall have significant expertise in management and administration of a financial institution, or significant expertise in the financing and development of infrastructure projects, or significant expertise in analyzing the economic benefits of infrastructure investment; and

(2) may not—

(A) hold any other public office;

(B) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(C) have any financial interest in an investment institution or its affiliates or any other entity seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust for the tenure of the service of the chief executive officer plus 2 additional years.

(d) RESPONSIBILITIES.—The chief executive officer shall have such executive functions, powers, and duties as may be prescribed by this Act, the bylaws of AIFA, or the Board of Directors, including—

(1) responsibility for the development and implementation of the strategy of AIFA, including—

(A) the development and submission to the Board of Directors of the investment prospectus, the annual business plans and budget;

(B) the development and submission to the Board of Directors of a long-term strategic plan; and

(C) the development, revision, and submission to the Board of Directors of internal policies; and

(2) responsibility for the management and oversight of the daily activities, decisions, operations, and personnel of AIFA, including—

(A) the appointment of senior management, subject to approval by the voting members of the Board of Directors, and the hiring and termination of all other AIFA personnel;

(B) requesting the detail, on a reimbursable basis, of personnel from any Federal agency having specific expertise not available from within AIFA, following which request the head of the Federal agency may detail, on a reimbursable basis, any personnel of such agency reasonably requested by the chief executive officer;

(C) assessing and recommending in the first instance, for ultimate approval or disapproval by the Board of Directors, compensation and adjustments to compensation of senior management and other personnel of AIFA as may be necessary for carrying out the functions of AIFA;

(D) ensuring, in conjunction with the general counsel of AIFA, that all activities of AIFA are carried out in compliance with applicable law;

(E) overseeing the involvement of AIFA in all projects, including—

(i) developing eligible projects for AIFA financial assistance;

(ii) determining the terms and conditions of all financial assistance packages;

(iii) monitoring all infrastructure projects assisted by AIFA, including responsibility for ensuring that the proceeds of any loan made, guaranteed, or participated in are used only for the purposes for which the loan or guarantee was made;

(iv) preparing and submitting for approval by the Board of Directors the documents required under paragraph (1); and

(v) ensuring the implementation of decisions of the Board of Directors; and

(F) such other activities as may be necessary or appropriate in carrying out this Act.

(e) COMPENSATION.—

(1) IN GENERAL.—Any compensation assessment or recommendation by the chief executive officer under this section shall be without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

(2) CONSIDERATIONS.—The compensation assessment or recommendation required under this subsection shall take into account merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel.

SEC. 248. POWERS AND DUTIES OF THE BOARD OF DIRECTORS.

The Board of Directors shall—

(1) as soon as is practicable after the date on which all members are appointed, approve or disapprove senior management appointed by the chief executive officer;

(2) not later than 180 days after the date on which all members are appointed—

(A) develop and approve the bylaws of AIFA, including bylaws for the regulation of the affairs and conduct of the business of AIFA, consistent with the purpose, goals, objectives, and policies set forth in this Act;

(B) establish subcommittees, including an audit committee that is composed solely of members of the Board of Directors who are independent of the senior management of AIFA;

(C) develop and approve, in consultation with senior management, a conflict-of-interest policy for the Board of Directors and for senior management;

(D) approve or disapprove internal policies that the chief executive officer shall submit to the Board of Directors, including—

(i) policies regarding the loan application and approval process, including—

(I) disclosure and application procedures to be followed by entities in the course of nominating infrastructure projects for assistance under this Act;

(II) guidelines for the selection and approval of projects;

(III) specific criteria for determining eligibility for project selection, consistent with title II; and

(IV) standardized terms and conditions, fee schedules, or legal requirements of a contract or program, so as to carry out this Act; and

(ii) operational guidelines; and

(E) approve or disapprove a multi-year or 1-year business plan and budget for AIFA;

(3) ensure that AIFA is at all times operated in a manner that is consistent with this Act, by—

(A) monitoring and assessing the effectiveness of AIFA in achieving its strategic goals;

(B) periodically reviewing internal policies;

(C) reviewing and approving annual business plans, annual budgets, and long-term strategies submitted by the chief executive officer;

(D) reviewing and approving annual reports submitted by the chief executive officer;

(E) engaging one or more external auditors, as set forth in this Act; and

(F) reviewing and approving all changes to the organization of senior management;

(4) appoint and fix, by a vote of 5 of the 7 voting members of the Board of Directors, and without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code, the compensation and adjustments to compensation of all AIFA personnel, provided that in appointing and fixing any compensation or adjustments to compensation under this paragraph, the Board shall—

(A) consult with, and seek to maintain comparability with, other comparable Federal personnel;

(B) consult with the Office of Personnel Management; and

(C) carry out such duties consistent with merit principles, where applicable, as well as the education, experience, level of responsibility, geographic differences, and retention and recruitment needs in determining compensation of personnel;

(5) establish such other criteria, requirements, or procedures as the Board of Directors may consider to be appropriate in carrying out this Act;

(6) serve as the primary liaison for AIFA in interactions with Congress, the Executive Branch, and State and local governments, and to represent the interests of AIFA in such interactions and others;

(7) approve by a vote of 5 of the 7 voting members of the Board of Directors any changes to the bylaws or internal policies of AIFA;

(8) have the authority and responsibility—

(A) to oversee entering into and carry out such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out this Act with—

(i) any Federal department or agency;

(ii) any State, territory, or possession (or any political subdivision thereof, including State infrastructure banks) of the United States; and

(iii) any individual, public-private partnership, firm, association, or corporation;

(B) to approve of the acquisition, lease, pledge, exchange, and disposal of real and personal property by AIFA and otherwise approve the exercise by AIFA of all of the usual incidents of ownership of property, to the extent that the exercise of such powers is appropriate to and consistent with the purposes of AIFA;

(C) to determine the character of, and the necessity for, the obligations and expenditures of AIFA, and the manner in which the obligations and expenditures will be incurred, allowed, and paid, subject to this Act and other Federal law specifically applicable to wholly owned Federal corporations;

(D) to execute, in accordance with applicable bylaws and regulations, appropriate instruments;

(E) to approve other forms of credit enhancement that AIFA may provide to eligible projects, as long as the forms of credit enhancements are consistent with the purposes of this Act and terms set forth in title II;

(F) to exercise all other lawful powers which are necessary or appropriate to carry out, and are consistent with, the purposes of AIFA;

(G) to sue or be sued in the corporate capacity of AIFA in any court of competent jurisdiction;

(H) to indemnify the members of the Board of Directors and officers of AIFA for any liabilities arising out of the actions of the members and officers in such capacity, in accordance with, and subject to the limitations contained in this Act;

(I) to review all financial assistance packages to all eligible infrastructure projects, as submitted by the chief executive officer and to approve, postpone, or deny the same by majority vote;

(J) to review all restructuring proposals submitted by the chief executive officer, including assignation, pledging, or disposal of the interest of AIFA in a project, including payment or income from any interest owned or held by AIFA, and to approve, postpone, or deny the same by majority vote; and

(K) to enter into binding commitments, as specified in approved financial assistance packages;

(9) delegate to the chief executive officer those duties that the Board of Directors deems appropriate, to better carry out the powers and purposes of the Board of Directors under this section; and

(10) to approve a maximum aggregate amount of outstanding obligations of AIFA at any given time, taking into consideration funding, and the size of AIFA's addressable market for infrastructure projects.

SEC. 249. SENIOR MANAGEMENT.

(a) IN GENERAL.—Senior management shall support the chief executive officer in the discharge of the responsibilities of the chief executive officer.

(b) APPOINTMENT OF SENIOR MANAGEMENT.—The chief executive officer shall appoint such senior managers as are necessary to carry out the purpose of AIFA, as approved by a majority vote of the voting members of the Board of Directors.

(c) TERM.—Each member of senior management shall serve at the pleasure of the chief executive officer and the Board of Directors.

(d) REMOVAL OF SENIOR MANAGEMENT.—Any member of senior management may be removed, either by a majority of the voting members of the Board of Directors upon request by the chief executive officer, or otherwise by vote of not fewer than 5 voting members of the Board of Directors.

(e) SENIOR MANAGEMENT.—

(1) IN GENERAL.—Each member of senior management shall report directly to the chief executive officer, other than the Chief Risk Officer, who shall report directly to the Board of Directors.

(2) DUTIES AND RESPONSIBILITIES.—

(A) CHIEF FINANCIAL OFFICER.—The Chief Financial Officer shall be responsible for all financial functions of AIFA, provided that, at the discretion of the Board of Directors, specific functions of the Chief Financial Officer may be delegated externally.

(B) CHIEF RISK OFFICER.—The Chief Risk Officer shall be responsible for all functions of AIFA relating to—

(i) the creation of financial, credit, and operational risk management guidelines and policies;

(ii) credit analysis for infrastructure projects;

(iii) the creation of conforming standards for infrastructure finance agreements;

(iv) the monitoring of the financial, credit, and operational exposure of AIFA; and

(v) risk management and mitigation actions, including by reporting such actions, or

recommendations of such actions to be taken, directly to the Board of Directors.

(C) CHIEF COMPLIANCE OFFICER.—The Chief Compliance Officer shall be responsible for all functions of AIFA relating to internal audits, accounting safeguards, and the enforcement of such safeguards and other applicable requirements.

(D) GENERAL COUNSEL.—The General Counsel shall be responsible for all functions of AIFA relating to legal matters and, in consultation with the chief executive officer, shall be responsible for ensuring that AIFA complies with all applicable law.

(E) CHIEF OPERATIONS OFFICER.—The Chief Operations Officer shall be responsible for all operational functions of AIFA, including those relating to the continuing operations and performance of all infrastructure projects in which AIFA retains an interest and for all AIFA functions related to human resources.

(F) CHIEF LENDING OFFICER.—The Chief Lending Officer shall be responsible for—

(i) all functions of AIFA relating to the development of project pipeline, financial structuring of projects, selection of infrastructure projects to be reviewed by the Board of Directors, preparation of infrastructure projects to be presented to the Board of Directors, and set aside for rural infrastructure projects;

(ii) the creation and management of—

(I) a Center for Excellence to provide technical assistance to public sector borrowers in the development and financing of infrastructure projects; and

(II) an Office of Rural Assistance to provide technical assistance in the development and financing of rural infrastructure projects; and

(iii) the establishment of guidelines to ensure diversification of lending activities by region, infrastructure project type, and project size.

(f) CHANGES TO SENIOR MANAGEMENT.—The Board of Directors, in consultation with the chief executive officer, may alter the structure of the senior management of AIFA at any time to better accomplish the goals, objectives, and purposes of AIFA, provided that the functions of the Chief Financial Officer set forth in subsection (e) remain separate from the functions of the Chief Risk Officer set forth in subsection (e).

(g) CONFLICTS OF INTEREST.—No individual appointed to senior management may—

(1) hold any other public office;

(2) have any financial interest in an infrastructure project then being considered by the Board of Directors, unless that interest is placed in a blind trust; or

(3) have any financial interest in an investment institution or its affiliates, AIFA or its affiliates, or other entity then seeking or likely to seek financial assistance for any infrastructure project from AIFA, unless any such interest is placed in a blind trust during the term of service of that individual in a senior management position, and for a period of 2 years thereafter.

SEC. 250. SPECIAL INSPECTOR GENERAL FOR AIFA.

(a) IN GENERAL.—During the first 5 operating years of AIFA, the Office of the Inspector General of the Department of the Treasury shall have responsibility for AIFA.

(b) OFFICE OF THE SPECIAL INSPECTOR GENERAL.—Effective 5 years after the date of enactment of the commencement of the operations of AIFA, there is established the Office of the Special Inspector General for AIFA.

(c) APPOINTMENT OF INSPECTOR GENERAL; REMOVAL.—

(1) HEAD OF OFFICE.—The head of the Office of the Special Inspector General for AIFA shall be the Special Inspector General for AIFA (in this Act referred to as the ''Special Inspector General''), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) BASIS OF APPOINTMENT.—The appointment of the Special Inspector General shall be made on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.

(3) TIMING OF NOMINATION.—The nomination of an individual as Special Inspector General shall be made as soon as is practicable after the effective date under subsection (b).

(4) REMOVAL.—The Special Inspector General shall be removable from office in accordance with the provisions of section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.).

(5) RULE OF CONSTRUCTION.—For purposes of section 7324 of title 5, United States Code, the Special Inspector General shall not be considered an employee who determines policies to be pursued by the United States in the nationwide administration of Federal law.

(6) RATE OF PAY.—The annual rate of basic pay of the Special Inspector General shall be the annual rate of basic pay for an Inspector General under section 3(e) of the Inspector General Act of 1978 (5 U.S.C. App.).

(d) DUTIES.—

(1) IN GENERAL.—It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the business activities of AIFA.

(2) OTHER SYSTEMS, PROCEDURES, AND CONTROLS.—The Special Inspector General shall establish, maintain, and oversee such systems, procedures, and controls as the Special Inspector General considers appropriate to discharge the duty under paragraph (1).

(3) ADDITIONAL DUTIES.—In addition to the duties specified in paragraphs (1) and (2), the Inspector General shall also have the duties and responsibilities of inspectors general under the Inspector General Act of 1978.

(e) POWERS AND AUTHORITIES.—

(1) IN GENERAL.—In carrying out the duties specified in subsection (c), the Special Inspector General shall have the authorities provided in section 6 of the Inspector General Act of 1978.

(2) ADDITIONAL AUTHORITY.—The Special Inspector General shall carry out the duties specified in subsection (c)(1) in accordance with section 4(b)(1) of the Inspector General Act of 1978.

(f) PERSONNEL, FACILITIES, AND OTHER RESOURCES.—

(1) ADDITIONAL OFFICERS.—

(A) The Special Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the duties of the Special Inspector General, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(B) The Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

(2) RETENTION OF SERVICES.—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(3) ABILITY TO CONTRACT FOR AUDITS, STUDIES, AND OTHER SERVICES.—The Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

(4) REQUEST FOR INFORMATION.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REFUSAL TO COMPLY.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of the Treasury, without delay.

(g) REPORTS.—

(1) ANNUAL REPORT.—Not later than 1 year after the confirmation of the Special Inspector General, and every calendar year thereafter, the Special Inspector General shall submit to the President a report summarizing the activities of the Special Inspector General during the previous 1-year period ending on the date of such report.

(2) PUBLIC DISCLOSURES.—Nothing in this subsection shall be construed to authorize the public disclosure of information that is—

(A) specifically prohibited from disclosure by any other provision of law;

(B) specifically required by Executive order to be protected from disclosure in the interest of national defense or national security or in the conduct of foreign affairs; or

(C) a part of an ongoing criminal investigation.

SEC. 251. OTHER PERSONNEL.

Except as otherwise provided in the bylaws of AIFA, the chief executive officer, in consultation with the Board of Directors, shall appoint, remove, and define the duties of such qualified personnel as are necessary to carry out the powers, duties, and purpose of AIFA, other than senior management, who shall be appointed in accordance with section 249.

SEC. 252. COMPLIANCE.

The provision of assistance by the Board of Directors pursuant to this Act shall not be construed as superseding any provision of State law or regulation otherwise applicable to an infrastructure project.

PART II—TERMS AND LIMITATIONS ON DIRECT LOANS AND LOAN GUARANTEES

SEC. 253. ELIGIBILITY CRITERIA FOR ASSISTANCE FROM AIFA AND TERMS AND LIMITATIONS OF LOANS.

(a) IN GENERAL.—Any project whose use or purpose is private and for which no public benefit is created shall not be eligible for financial assistance from AIFA under this Act. Financial assistance under this Act shall only be made available if the applicant for such assistance has demonstrated to the satisfaction of the Board of Directors that the infrastructure project for which such assistance is being sought—

(1) is not for the refinancing of an existing infrastructure project; and

(2) meets—

(A) any pertinent requirements set forth in this Act;

(B) any criteria established by the Board of Directors or chief executive officer in accordance with this Act; and

(C) the definition of a transportation infrastructure project, water infrastructure project, or energy infrastructure project.

(b) CONSIDERATIONS.—The criteria established by the Board of Directors pursuant to

this Act shall provide adequate consideration of—

(1) the economic, financial, technical, environmental, and public benefits and costs of each infrastructure project under consideration for financial assistance under this Act, prioritizing infrastructure projects that—

(A) contribute to regional or national economic growth;

(B) offer value for money to taxpayers;

(C) demonstrate a clear and significant public benefit;

(D) lead to job creation; and

(E) mitigate environmental concerns;

(2) the means by which development of the infrastructure project under consideration is being financed, including—

(A) the terms, conditions, and structure of the proposed financing;

(B) the credit worthiness and standing of the project sponsors, providers of equity, and cofinanciers;

(C) the financial assumptions and projections on which the infrastructure project is based; and

(D) whether there is sufficient State or municipal political support for the successful completion of the infrastructure project;

(3) the likelihood that the provision of assistance by AIFA will cause such development to proceed more promptly and with lower costs than would be the case without such assistance;

(4) the extent to which the provision of assistance by AIFA maximizes the level of private investment in the infrastructure project or supports a public-private partnership, while providing a significant public benefit;

(5) the extent to which the provision of assistance by AIFA can mobilize the participation of other financing partners in the infrastructure project;

(6) the technical and operational viability of the infrastructure project;

(7) the proportion of financial assistance from AIFA;

(8) the geographic location of the project in an effort to have geographic diversity of projects funded by AIFA;

(9) the size of the project and its impact on the resources of AIFA;

(10) the infrastructure sector of the project, in an effort to have projects from more than one sector funded by AIFA; and

(11) encourages use of innovative procurement, asset management, or financing to minimize the all-in-life-cycle cost, and improve the cost-effectiveness of a project.

(c) APPLICATION.—

(1) IN GENERAL.—Any eligible entity seeking assistance from AIFA under this Act for an eligible infrastructure project shall submit an application to AIFA at such time, in such manner, and containing such information as the Board of Directors or the chief executive officer may require.

(2) REVIEW OF APPLICATIONS.—AIFA shall review applications for assistance under this Act on an ongoing basis. The chief executive officer, working with the senior management, shall prepare eligible infrastructure projects for review and approval by the Board of Directors.

(3) DEDICATED REVENUE SOURCES.—The Federal credit instrument shall be repayable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the infrastructure project obligations.

(d) ELIGIBLE INFRASTRUCTURE PROJECT COSTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), to be eligible for assistance under this Act, an infrastructure project shall have project costs that are reasonably anticipated to equal or exceed $100,000,000.

(2) RURAL INFRASTRUCTURE PROJECTS.—To be eligible for assistance under this Act a rural infrastructure project shall have project costs that are reasonably anticipated to equal or exceed $25,000,000.

(e) LOAN ELIGIBILITY AND MAXIMUM AMOUNTS.—

(1) IN GENERAL.—The amount of a direct loan or loan guarantee under this Act shall not exceed the lesser of 50 percent of the reasonably anticipated eligible infrastructure project costs or, if the direct loan or loan guarantee does not receive an investment grade rating, the amount of the senior project obligations.

(2) MAXIMUM ANNUAL LOAN AND LOAN GUARANTEE VOLUME.—The aggregate amount of direct loans and loan guarantees made by AIFA in any single fiscal year may not exceed—

(A) during the first 2 fiscal years of the operations of AIFA, $10,000,000,000;

(B) during fiscal years 3 through 9 of the operations of AIFA, $20,000,000,000; or

(C) during any fiscal year thereafter, $50,000,000,000.

(f) STATE AND LOCAL PERMITS REQUIRED.—The provision of assistance by the Board of Directors pursuant to this Act shall not be deemed to relieve any recipient of such assistance, or the related infrastructure project, of any obligation to obtain required State and local permits and approvals.

SEC. 254. LOAN TERMS AND REPAYMENT.

(a) IN GENERAL.—A direct loan or loan guarantee under this Act with respect to an eligible infrastructure project shall be on such terms, subject to such conditions, and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the chief executive officer determines appropriate.

(b) TERMS.—A direct loan or loan guarantee under this Act—

(1) shall—

(A) be payable, in whole or in part, from tolls, user fees, or other dedicated revenue sources that also secure the senior project obligations (such as availability payments and dedicated State or local revenues); and

(B) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

(2) may have a lien on revenues described in paragraph (1), subject to any lien securing project obligations.

(c) BASE INTEREST RATE.—The base interest rate on a direct loan under this Act shall be not less than the yield on United States Treasury obligations of a similar maturity to the maturity of the direct loan.

(d) RISK ASSESSMENT.—Before entering into an agreement for assistance under this Act, the chief executive officer, in consultation with the Director of the Office of Management and Budget and considering rating agency preliminary or final rating opinion letters of the project under this section, shall estimate an appropriate Federal credit subsidy amount for each direct loan and loan guarantee, taking into account such letter, as well as any comparable market rates available for such a loan or loan guarantee, should any exist. The final credit subsidy cost for each loan and loan guarantee shall be determined consistent with the Federal Credit Reform Act, 2 U.S.C. 661a et seq.

(e) CREDIT FEE.—With respect to each agreement for assistance under this Act, the chief executive officer may charge a credit fee to the recipient of such assistance to pay for, over time, all or a portion of the Federal credit subsidy determined under subsection (d), with the remainder paid by the account established for AIFA; provided, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government. In the case of a direct loan, such credit fee shall be in addition to the base interest rate established under subsection (c).

(f) MATURITY DATE.—The final maturity date of a direct loan or loan guaranteed by AIFA under this Act shall be not later than 35 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer.

(g) RATING OPINION LETTER.—

(1) IN GENERAL.—The chief executive officer shall require each applicant for assistance under this Act to provide a rating opinion letter from at least 1 ratings agency, indicating that the senior obligations of the infrastructure project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating.

(2) RURAL INFRASTRUCTURE PROJECTS.—With respect to a rural infrastructure project, a rating agency opinion letter described in paragraph (1) shall not be required, except that the loan or loan guarantee shall receive an internal rating score, using methods similar to the ratings agencies generated by AIFA, measuring the proposed direct loan or loan guarantee against comparable direct loans or loan guarantees of similar credit quality in a similar sector.

(h) INVESTMENT-GRADE RATING REQUIREMENT.—

(1) LOANS AND LOAN GUARANTEES.—The execution of a direct loan or loan guarantee under this Act shall be contingent on the senior obligations of the infrastructure project receiving an investment-grade rating.

(2) RATING OF AIFA OVERALL PORTFOLIO.—The average rating of the overall portfolio of AIFA shall be not less than investment grade after 5 years of operation.

(i) TERMS AND REPAYMENT OF DIRECT LOANS.—

(1) SCHEDULE.—The chief executive officer shall establish a repayment schedule for each direct loan under this Act, based on the projected cash flow from infrastructure project revenues and other repayment sources.

(2) COMMENCEMENT.—Scheduled loan repayments of principal or interest on a direct loan under this Act shall commence not later than 5 years after the date of substantial completion of the infrastructure project, as determined by the chief executive officer of AIFA.

(3) DEFERRED PAYMENTS OF DIRECT LOANS.—

(A) AUTHORIZATION.—If, at any time after the date of substantial completion of an infrastructure project assisted under this Act, the infrastructure project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the direct loan under this Act, the chief executive officer may allow the obligor to add unpaid principal and interest to the outstanding balance of the direct loan, if the result would benefit the taxpayer.

(B) INTEREST.—Any payment deferred under subparagraph (A) shall—

(i) continue to accrue interest, in accordance with the terms of the obligation, until fully repaid; and

(ii) be scheduled to be amortized over the remaining term of the loan.

(C) CRITERIA.—

(i) IN GENERAL.—Any payment deferral under subparagraph (A) shall be contingent on the infrastructure project meeting criteria established by the Board of Directors.

(ii) REPAYMENT STANDARDS.—The criteria established under clause (i) shall include standards for reasonable assurance of repayment.

(4) PREPAYMENT OF DIRECT LOANS.—

(A) USE OF EXCESS REVENUES.—Any excess revenues that remain after satisfying scheduled debt service requirements on the infrastructure project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or

similar agreement securing project obligations under this Act may be applied annually to prepay the direct loan, without penalty.

(B) USE OF PROCEEDS OF REFINANCING.—A direct loan under this Act may be prepaid at any time, without penalty, from the proceeds of refinancing from non-Federal funding sources.

(5) SALE OF DIRECT LOANS.—

(A) IN GENERAL.—As soon as is practicable after substantial completion of an infrastructure project assisted under this Act, and after notifying the obligor, the chief executive officer may sell to another entity, or reoffer into the capital markets, a direct loan for the infrastructure project, if the chief executive officer determines that the sale or reoffering can be made on favorable terms for the taxpayer.

(B) CONSENT OF OBLIGOR.—In making a sale or reoffering under subparagraph (A), the chief executive officer may not change the original terms and conditions of the direct loan, without the written consent of the obligor.

(j) LOAN GUARANTEES.—

(1) TERMS.—The terms of a loan guaranteed by AIFA under this Act shall be consistent with the terms set forth in this section for a direct loan, except that the rate on the guaranteed loan and any payment, pre-payment, or refinancing features shall be negotiated between the obligor and the lender, with the consent of the chief executive officer.

(2) GUARANTEED LENDER.—A guaranteed lender shall be limited to those lenders meeting the definition of that term in section 601(a) of title 23, United States Code.

(k) COMPLIANCE WITH FCRA—IN GENERAL.—Direct loans and loan guarantees authorized by this Act shall be subject to the provisions of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), as amended.

SEC. 255. COMPLIANCE AND ENFORCEMENT.

(a) CREDIT AGREEMENT.—Notwithstanding any other provision of law, each eligible entity that receives assistance under this Act from AIFA shall enter into a credit agreement that requires such entity to comply with all applicable policies and procedures of AIFA, in addition to all other provisions of the loan agreement.

(b) AIFA AUTHORITY ON NONCOMPLIANCE.—In any case in which a recipient of assistance under this Act is materially out of compliance with the loan agreement, or any applicable policy or procedure of AIFA, the Board of Directors may take action to cancel unutilized loan amounts, or to accelerate the repayment terms of any outstanding obligation.

(c) Nothing in this Act is intended to affect existing provisions of law applicable to the planning, development, construction, or operation of projects funded under the Act.

SEC. 256. AUDITS; REPORTS TO THE PRESIDENT AND CONGRESS.

(a) ACCOUNTING.—The books of account of AIFA shall be maintained in accordance with generally accepted accounting principles, and shall be subject to an annual audit by independent public accountants of nationally recognized standing appointed by the Board of Directors.

(b) REPORTS.—

(1) BOARD OF DIRECTORS.—Not later than 90 days after the last day of each fiscal year, the Board of Directors shall submit to the President and Congress a complete and detailed report with respect to the preceding fiscal year, setting forth—

(A) a summary of the operations of AIFA, for such fiscal year;

(B) a schedule of the obligations of AIFA and capital securities outstanding at the end of such fiscal year, with a statement of the amounts issued and redeemed or paid during such fiscal year;

(C) the status of infrastructure projects receiving funding or other assistance pursuant to this Act during such fiscal year, including all nonperforming loans, and including disclosure of all entities with a development, ownership, or operational interest in such infrastructure projects;

(D) a description of the successes and challenges encountered in lending to rural communities, including the role of the Center for Excellence and the Office of Rural Assistance established under this Act; and

(E) an assessment of the risks of the portfolio of AIFA, prepared by an independent source.

(2) GAO.—Not later than 5 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an evaluation of, and shall submit to Congress a report on, activities of AIFA for the fiscal years covered by the report that includes an assessment of the impact and benefits of each funded infrastructure project, including a review of how effectively each such infrastructure project accomplished the goals prioritized by the infrastructure project criteria of AIFA.

(c) BOOKS AND RECORDS.—

(1) IN GENERAL.—AIFA shall maintain adequate books and records to support the financial transactions of AIFA, with a description of financial transactions and infrastructure projects receiving funding, and the amount of funding for each such project maintained on a publically accessible database.

(2) AUDITS BY THE SECRETARY AND GAO.—The books and records of AIFA shall at all times be open to inspection by the Secretary of the Treasury, the Special Inspector General, and the Comptroller General of the United States.

PART III—FUNDING OF AIFA

SEC. 257. ADMINISTRATIVE FEES.

(a) IN GENERAL.—In addition to fees that may be collected under section 254(e), the chief executive officer shall establish and collect fees from eligible funding recipients with respect to loans and loan guarantees under this Act that—

(1) are sufficient to cover all or a portion of the administrative costs to the Federal Government for the operations of AIFA, including the costs of expert firms, including counsel in the field of municipal and project finance, and financial advisors to assist with underwriting, credit analysis, or other independent reviews, as appropriate;

(2) may be in the form of an application or transaction fee, or other form established by the CEO; and

(3) may be based on the risk premium associated with the loan or loan guarantee, taking into consideration—

(A) the price of United States Treasury obligations of a similar maturity;

(B) prevailing market conditions;

(C) the ability of the infrastructure project to support the loan or loan guarantee; and

(D) the total amount of the loan or loan guarantee.

(b) AVAILABILITY OF AMOUNTS.—Amounts collected under subsections (a)(1), (a)(2), and (a)(3) shall be available without further action; provided further, that the source of fees paid under this section shall not be a loan or debt obligation guaranteed by the Federal Government.

SEC. 258. EFFICIENCY OF AIFA.

The chief executive officer shall, to the extent possible, take actions consistent with this Act to minimize the risk and cost to the taxpayer of AIFA activities. Fees and premiums for loan guarantee or insurance coverage will be set at levels that minimize administrative and Federal credit subsidy costs to the Government, as defined in Section 502 of the Federal Credit Reform Act of 1990, as amended, of such coverage, while supporting achievement of the program's objectives, consistent with policies as set forth in the Business Plan.

SEC. 259. FUNDING.

There is hereby appropriated to AIFA to carry out this Act, for the cost of direct loans and loan guarantees subject to the limitations under Section 253, and for administrative costs, $10,000,000,000, to remain available until expended; Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Federal Credit Reform Act of 1990, as amended; Provided further, that of this amount, not more than $25,000,000 for each of fiscal years 2012 through 2013, and not more than $50,000,000 for fiscal year 2014 may be used for administrative costs of AIFA; provided further, that not more than 5 percent of such amount shall be used to offset subsidy costs associated with rural projects. Amounts authorized shall be available without further action.

PART IV—EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS

SEC. 260. EXTENSION OF EXEMPTION FROM ALTERNATIVE MINIMUM TAX TREATMENT FOR CERTAIN TAX-EXEMPT BONDS.

(a) IN GENERAL.—Clause (vi) of section 57(a)(5)(C) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2013''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, 2011, AND 2012''.

(b) ADJUSTED CURRENT EARNINGS.—Clause (iv) of section 56(g)(4)(B) of the Internal Revenue Code of 1986 is amended—

(1) by striking ''January 1, 2011'' in subclause (I) and inserting ''January 1, 2013''; and

(2) by striking ''AND 2010'' in the heading and inserting '', 2010, 2011, AND 2012''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2010.

Subtitle G—Project Rebuild

SEC. 261. PROJECT REBUILD.

(a) DIRECT APPROPRIATIONS.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $15,000,000,000, to remain available until September 30, 2014, for assistance to eligible entities including States and units of general local government (as such terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)), and qualified nonprofit organizations, businesses or consortia of eligible entities for the redevelopment of abandoned and foreclosed-upon properties and for the stabilization of affected neighborhoods.

(b) ALLOCATION OF APPROPRIATED AMOUNTS.—

(1) IN GENERAL.—Of the amounts appropriated, two thirds shall be allocated to States and units of general local government based on a funding formula established by the Secretary of Housing and Urban Development (in this subtitle referred to as the ''Secretary''). Of the amounts appropriated, one third shall be distributed competitively to eligible entities.

(2) FORMULA TO BE DEVISED SWIFTLY.—The funding formula required under paragraph (1) shall be established and the Secretary shall announce formula funding allocations, not later than 30 days after the date of enactment of this section.

(3) FORMULA CRITERIA.—The Secretary may establish a minimum grant size, and the

funding formula required under paragraph (1) shall ensure that any amounts appropriated or otherwise made available under this section are allocated to States and units of general local government with the greatest need, as such need is determined in the discretion of the Secretary based on—

(A) the number and percentage of home foreclosures in each State or unit of general local government;

(B) the number and percentage of homes in default or delinquency in each State or unit of general local government; and

(C) other factors such as established program designs, grantee capacity and performance, number and percentage of commercial foreclosures, overall economic conditions, and other market needs data, as determined by the Secretary.

(4) COMPETITION CRITERIA.—

(A) For the funds distributed competitively, eligible entities shall be States, units of general local government, nonprofit entities, for-profit entities, and consortia of eligible entities that demonstrate capacity to use funding within the period of this program.

(B) In selecting grantees, the Secretary shall ensure that grantees are in areas with the greatest number and percentage of residential and commercial foreclosures and other market needs data, as determined by the Secretary. Additional award criteria shall include demonstrated grantee capacity to execute projects involving acquisition and rehabilitation or redevelopment of foreclosed residential and commercial property and neighborhood stabilization, leverage, knowledge of market conditions and of effective stabilization activities to address identified conditions, and any additional factors determined by the Secretary.

(C) The Secretary may establish a minimum grant size; and

(D) The Secretary shall publish competition criteria for any grants awarded under this heading not later than 60 days after appropriation of funds, and applications shall be due to the Secretary within 120 days.

(c) USE OF FUNDS.—

(1) OBLIGATION AND EXPENDITURE.—The Secretary shall obligate all funding within 150 days of enactment of this Act. Any eligible entity that receives amounts pursuant to this section shall expend all funds allocated to it within three years of the date the funds become available to the grantee for obligation. Furthermore, the Secretary shall by Notice establish intermediate expenditure benchmarks at the one and two year dates from the date the funds become available to the grantee for obligation.

(2) PRIORITIES.—

(A) JOB CREATION.—Each grantee or eligible entity shall describe how its proposed use of funds will prioritize job creation, and secondly, will address goals to stabilize neighborhoods, reverse vacancy, or increase or stabilize residential and commercial property values.

(B) TARGETING.—Any State or unit of general local government that receives formula amounts pursuant to this section shall, in distributing and targeting such amounts give priority emphasis and consideration to those metropolitan areas, metropolitan cities, urban areas, rural areas, low- and moderate-income areas, and other areas with the greatest need, including those—

(i) with the greatest percentage of home foreclosures;

(ii) identified as likely to face a significant rise in the rate of residential or commercial foreclosures; and

(iii) with higher than national average unemployment rate.

(C) LEVERAGE.—Each grantee or eligible entity shall describe how its proposed use of funds will leverage private funds.

(3) ELIGIBLE USES.—Amounts made available under this section may be used to—

(A) establish financing mechanisms for the purchase and redevelopment of abandoned and foreclosed-upon properties, including such mechanisms as soft-seconds, loan loss reserves, and shared-equity loans for low- and moderate-income homebuyers;

(B) purchase and rehabilitate properties that have been abandoned or foreclosed upon, in order to sell, rent, or redevelop such properties;

(C) establish and operate land banks for properties that have been abandoned or foreclosed upon;

(D) demolish blighted structures;

(E) redevelop abandoned, foreclosed, demolished, or vacant properties; and

(F) engage in other activities, as determined by the Secretary through notice, that are consistent with the goals of creating jobs, stabilizing neighborhoods, reversing vacancy reduction, and increasing or stabilizing residential and commercial property values.

(d) LIMITATIONS.—

(1) ON PURCHASES.—Any purchase of a property under this section shall be at a price not to exceed its current market value, taking into account its current condition.

(2) REHABILITATION.—Any rehabilitation of an eligible property under this section shall be to the extent necessary to comply with applicable laws, and other requirements relating to safety, quality, marketability, and habitability, in order to sell, rent, or redevelop such properties or provide a renewable energy source or sources for such properties.

(3) SALE OF HOMES.—If an abandoned or foreclosed-upon home is purchased, redeveloped, or otherwise sold to an individual as a primary residence, then such sale shall be in an amount equal to or less than the cost to acquire and redevelop or rehabilitate such home or property up to a decent, safe, marketable, and habitable condition.

(4) ON DEMOLITION OF PUBLIC HOUSING.—Public housing, as defined at section 3(b)(6) of the United States Housing Act of 1937, may not be demolished with funds under this section.

(5) ON DEMOLITION ACTIVITIES.—No more than 10 percent of any grant made under this section may be used for demolition activities unless the Secretary determines that such use represents an appropriate response to local market conditions.

(6) ON USE OF FUNDS FOR NON-RESIDENTIAL PROPERTY.—No more than 30 percent of any grant made under this section may be used for eligible activities under subparagraphs (A), (B), and (E) of subsection (c)(3) that will not result in residential use of the property involved unless the Secretary determines that such use represents an appropriate response to local market conditions.

(e) RULES OF CONSTRUCTION.—

(1) IN GENERAL.—Except as otherwise provided by this section, amounts appropriated, revenues generated, or amounts otherwise made available to eligible entities under this section shall be treated as though such funds were community development block grant funds under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(2) NO MATCH.—No matching funds shall be required in order for an eligible entity to receive any amounts under this section.

(3) TENANT PROTECTIONS.—An eligible entity receiving a grant under this section shall comply with the 14th, 17th, 18th, 19th, 20th, 21st, 22nd and 23rd provisos of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5, 123 Stat. 218–19), as amended by section 1497(b)(2) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 124 Stat. 2211).

(4) VICINITY HIRING.—An eligible entity receiving a grant under this section shall comply with section 1497(a)(8) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111–203, 129 Stat. 2210).

(5) BUY AMERICAN.—Section 1605 of Title XVI—General Provisions of the American Recovery and Reinvestment Act of 2009—shall apply to amounts appropriated, revenues generated, and amounts otherwise made available to eligible entities under this section.

(f) AUTHORITY TO SPECIFY ALTERNATIVE REQUIREMENTS.—

(1) IN GENERAL.—In administering the program under this section, the Secretary may specify alternative requirements to any provision under title I of the Housing and Community Development Act of 1974 or under title I of the Cranston-Gonzalez National Affordable Housing Act of 1990 (except for those provisions in these laws related to fair housing, nondiscrimination, labor standards, and the environment) for the purpose of expediting and facilitating the use of funds under this section.

(2) NOTICE.—The Secretary shall provide written notice of intent to the public via internet to exercise the authority to specify alternative requirements under paragraph.

(3) LOW AND MODERATE INCOME REQUIREMENT.—

(A) IN GENERAL.—Notwithstanding the authority of the Secretary under paragraph (1)—

(i) all of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used with respect to individuals and families whose income does not exceed 120 percent of area median income; and

(ii) not less than 25 percent of the formula and competitive grantee funds appropriated or otherwise made available under this section shall be used for the purchase and redevelopment of eligible properties that will be used to house individuals or families whose incomes do not exceed 50 percent of area median income.

(B) RECURRENT REQUIREMENT.—The Secretary shall, by rule or order, ensure, to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned and foreclosed-upon homes and residential properties under this section remain affordable to individuals or families described in subparagraph (A).

(g) NATIONWIDE DISTRIBUTION OF RESOURCES.—Notwithstanding any other provision of this section or the amendments made by this section, each State shall receive not less than $20,000,000 of formula funds.

(h) LIMITATION ON USE OF FUNDS WITH RESPECT TO EMINENT DOMAIN.—No State or unit of general local government may use any amounts received pursuant to this section to fund any project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use, which shall not be construed to include economic development that primarily benefits private entities.

(i) LIMITATION ON DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—None of the funds made available under this title or title IV shall be distributed to—

(A) an organization which has been indicted for a violation under Federal law relating to an election for Federal office; or

(B) an organization which employs applicable individuals.

(2) APPLICABLE INDIVIDUALS DEFINED.—In this section, the term ''applicable individual'' means an individual who—

(A) is—

(i) employed by the organization in a permanent or temporary capacity;

(ii) contracted or retained by the organization; or

(iii) acting on behalf of, or with the express or apparent authority of, the organization; and

(B) has been indicted for a violation under Federal law relating to an election for Federal office.

(j) RENTAL HOUSING PREFERENCES.—Each State and local government receiving formula amounts shall establish procedures to create preferences for the development of affordable rental housing.

(k) JOB CREATION.—If a grantee chooses to use funds to create jobs by establishing and operating a program to maintain eligible neighborhood properties, not more than 10 percent of any grant may be used for that purpose.

(l) PROGRAM SUPPORT AND CAPACITY BUILDING.—The Secretary may use up to 0.75 percent of the funds appropriated for capacity building of and support for eligible entities and grantees undertaking neighborhood stabilization programs, staffing, training, technical assistance, technology, monitoring, travel, enforcement, research and evaluation activities.

(1) Funds set aside for the purposes of this subparagraph shall remain available until September 30, 2016;

(2) Any funds made available under this subparagraph and used by the Secretary for personnel expenses related to administering funding under this subparagraph shall be transferred to ''Personnel Compensation and Benefits, Community Planning and Development'';

(3) Any funds made available under this subparagraph and used by the Secretary for training or other administrative expenses shall be transferred to ''Administration, Operations, and Management, Community Planning and Development'' for non-personnel expenses; and

(4) Any funds made available under this subparagraph and used by the Secretary for technology shall be transferred to ''Working Capital Fund''.

(m) ENFORCEMENT AND PREVENTION OF FRAUD AND ABUSE.—The Secretary shall establish and implement procedures to prevent fraud and abuse of funds under this section, and shall impose a requirement that grantees have an internal auditor to continuously monitor grantee performance to prevent fraud, waste, and abuse. Grantees shall provide the Secretary and citizens with quarterly progress reports. The Secretary shall recapture funds from formula and competitive grantees that do not expend 100 percent of allocated funds within 3 years of the date that funds become available, and from underperforming or mismanaged grantees, and shall re-allocate those funds by formula to target areas with the greatest need, as determined by the Secretary through notice. The Secretary may take an alternative sanctions action only upon determining that such action is necessary to achieve program goals in a timely manner.

(n) The Secretary of Housing and Urban Development shall to the extent feasible conform policies and procedures for grants made under this section to the policies and practices already in place for the grants made under Section 2301 of the Housing and Economic Recovery Act of 2008; Division A, Title XII of the American Recovery and Reinvestment Act of 2009; or Section 1497 of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Subtitle H—National Wireless Initiative

SEC. 271. DEFINITIONS.

In this subtitle, the following definitions shall apply:

(1) 700 MHZ BAND.—The term ''700 MHz band'' means the portion of the electromagnetic spectrum between the frequencies from 698 megahertz to 806 megahertz.

(2) 700 MHZ D BLOCK SPECTRUM.—The term ''700 MHz D block spectrum'' means the portion of the electromagnetic spectrum frequencies from 758 megahertz to 763 megahertz and from 788 megahertz to 793 megahertz.

(3) APPROPRIATE COMMITTEES OF CONGRESS.—Except as otherwise specifically provided, the term ''appropriate committees of Congress'' means—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

(4) ASSISTANT SECRETARY.—The term ''Assistant Secretary'' means the Assistant Secretary of Commerce for Communications and Information.

(5) COMMISSION.—The term ''Commission'' means the Federal Communications Commission.

(6) CORPORATION.—The term ''Corporation'' means the Public Safety Broadband Corporation established in section 284.

(7) EXISTING PUBLIC SAFETY BROADBAND SPECTRUM.—The term ''existing public safety broadband spectrum'' means the portion of the electromagnetic spectrum between the frequencies—

(A) from 763 megahertz to 768 megahertz;

(B) from 793 megahertz to 798 megahertz;

(C) from 768 megahertz to 769 megahertz; and

(D) from 798 megahertz to 799 megahertz.

(8) FEDERAL ENTITY.—The term ''Federal entity'' has the same meaning as in section 113(i) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(i)).

(9) NARROWBAND SPECTRUM.—The term ''narrowband spectrum'' means the portion of the electromagnetic spectrum between the frequencies from 769 megahertz to 775 megahertz and between the frequencies from 799 megahertz to 805 megahertz.

(10) NIST.—The term ''NIST'' means the National Institute of Standards and Technology.

(11) NTIA.—The term ''NTIA'' means the National Telecommunications and Information Administration.

(12) PUBLIC SAFETY ENTITY.—The term ''public safety entity'' means an entity that provides public safety services.

(13) PUBLIC SAFETY SERVICES.—The term ''public safety services''—

(A) has the meaning given the term in section 337(f) of the Communications Act of 1934 (47 U.S.C. 337(f)); and

(B) includes services provided by emergency response providers, as that term is defined in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

PART I—AUCTIONS OF SPECTRUM AND SPECTRUM MANAGEMENT

SEC. 272. CLARIFICATION OF AUTHORITIES TO REPURPOSE FEDERAL SPECTRUM FOR COMMERCIAL PURPOSES.

(a) Paragraph (1) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(1)) is amended by striking paragraph (1) and inserting the following:

''(1) ELIGIBLE FEDERAL ENTITIES.—Any Federal entity that operates a Federal Government station authorized to use a band of frequencies specified in paragraph (2) and that incurs relocation costs because of planning for a potential auction of spectrum frequencies, a planned auction of spectrum frequencies or the reallocation of spectrum frequencies from Federal use to exclusive non-Federal use, or shared Federal and non-Federal use may receive payment for such costs from the Spectrum Relocation Fund, in accordance with section 118 of this Act. For purposes of this paragraph, Federal power agencies exempted under subsection (c)(4) that choose to relocate from the frequencies identified for reallocation pursuant to subsection (a), are eligible to receive payment under this paragraph.''.

(b) ELIGIBLE FREQUENCIES.—Section 113(g)(2)(B) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(2)) is amended by deleting and replacing subsection (B) with the following:

''(B) any other band of frequencies reallocated from Federal use to non-Federal or shared use after January 1, 2003, that is assigned by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or is assigned as a result of later legislation or other administrative direction.''.

(c) Paragraph (3) of subsection 113(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923(g)(3)) is amended by striking it in its entirety and replacing it with the following:

''(3) DEFINITION OF RELOCATION AND SHARING COSTS.—For purposes of this subsection, the terms 'relocation costs' and 'sharing costs' mean the costs incurred by a Federal entity to plan for a potential or planned auction or sharing of spectrum frequencies and to achieve comparable capability of systems, regardless of whether that capability is achieved by relocating to a new frequency assignment, relocating a Federal Government station to a different geographic location, modifying Federal government equipment to mitigate interference or use less spectrum, in terms of bandwidth, geography or time, and thereby permitting spectrum sharing (including sharing among relocated Federal entities and incumbents to make spectrum available for non-Federal use) or relocation, or by utilizing an alternative technology. Comparable capability of systems includes the acquisition of state-of-the-art replacement systems intended to meet comparable operational scope, which may include incidental increases in functionality. Such costs include—

''(A) the costs of any modification or replacement of equipment, spares, associated ancillary equipment, software, facilities, operating manuals, training costs, or regulations that are attributable to relocation or sharing;

''(B) the costs of all engineering, equipment, software, site acquisition and construction costs, as well as any legitimate and prudent transaction expense, including term-limited Federal civil servant and contractor staff necessary, which may be renewed, to carry out the relocation activities of an eligible Federal entity, and reasonable additional costs incurred by the Federal entity that are attributable to relocation or sharing, including increased recurring costs above recurring costs of the system before relocation for the remaining estimated life of the system being relocated;

''(C) the costs of research, engineering studies, economic analyses, or other expenses reasonably incurred in connection with (i) calculating the estimated relocation costs that are provided to the Commission pursuant to paragraph (4) of this subsection, or in calculating the estimated sharing costs; (ii) determining the technical or operational feasibility of relocation to one or more potential relocation bands; or (iii) planning for or managing a relocation or sharing project (including spectrum coordination with auction winners) or potential relocation or sharing project;

''(D) the one-time costs of any modification of equipment reasonably necessary to accommodate commercial use of shared frequencies or, in the case of frequencies reallocated to exclusive commercial use, prior to the termination of the Federal entity's primary allocation or protected status, when the eligible frequencies as defined in paragraph (2) of this subsection are made available for private sector uses by competitive bidding and a Federal entity retains primary allocation or protected status in those frequencies for a period of time after the completion of the competitive bidding process;

''(E) the costs associated with the accelerated replacement of systems and equipment if such acceleration is necessary to ensure the timely relocation of systems to a new frequency assignment or the timely accommodation of sharing of Federal frequencies; and

''(F) the costs of the use of commercial systems and services (including systems not utilizing spectrum) to replace Federal systems discontinued or relocated pursuant to this Act, including lease, subscription, and equipment costs over an appropriate period, such as the anticipated life of an equivalent Federal system or other period determined by the Director of the Office of Management and Budget.''.

(d) A new subsection (7) is added to Section 113(g) as follows:

''(7) SPECTRUM SHARING.—Federal entities are permitted to allow access to their frequency assignments by non-Federal entities upon approval of the terms of such access by NTIA, in consultation with the Office of Management and Budget. Such non-Federal entities must comply with all applicable rules of the Commission and NTIA, including any regulations promulgated pursuant to this section. Remuneration associated with such access shall be deposited into the Spectrum Relocation Fund. Federal entities that incur costs as a result of such access are eligible for payment from the Fund for the purposes specified in subsection (3) of this section. The revenue associated with such access must be at least 110 percent of the estimated Federal costs.''.

(e) Section 118 of such Act (47 U.S.C. 928) is amended by:

(1) In subsection (b), adding at the end, ''and any payments made by non-Federal entities for access to Federal spectrum pursuant to 47 U.S.C. 113(g)(7)'';

(2) replacing subsection (c) with the following:

''The amounts in the Fund from auctions of eligible frequencies are authorized to be used to pay relocation costs, as defined in section (g)(3) of this title, of an eligible Federal entity incurring such costs with respect to relocation from any eligible frequency. In addition, the amounts in the Fund from payments by non-Federal entities for access to Federal spectrum are authorized to be used to pay Federal costs associated with such sharing, as defined in section (g)(3) of this title. The Director of the Office of Management and Budget (OMB) may transfer at any time (including prior to any auction or contemplated auction, or sharing initiative) such sums as may be available in the Fund to an eligible Federal entity to pay eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title. However, the Director may not transfer more than $100,000,000 associated with authorized pre-auction activities before an auction is completed and proceeds are deposited in the Spectrum Relocation Fund. Within the $100,000,000 that may be transferred before an auction, the Director of OMB may transfer up to $10,000,000 in total to eligible federal entities for eligible relocation or sharing costs related to pre-auction estimates or research as defined in subparagraph (C) of section 923(g)(3) of this title for costs incurred prior to the enactment of this legislation, but after June 28th, 2010. These amounts transferred pursuant to the previous proviso are in addition to amounts that the Director of OMB may transfer after the enactment of this legislation.'';

(3) amending subsection (d)(1) to add, ''and sharing'' before ''costs'';

(4) amending subsection (d)(2)(B) to add, ''and sharing'' before ''costs'', and adding at the end, ''and sharing'';

(5) replacing subsection (d)(3) with the following:

''Any amounts in the Fund that are remaining after the payment of the relocation and sharing costs that are payable from the Fund shall revert to and be deposited in the general fund of the Treasury not later than 15 years after the date of the deposit of such proceeds to the Fund, unless the Director of OMB, in consultation with the Assistant Secretary for Communications and Information, notifies the Committees on Appropriations and Energy and Commerce of the House of Representatives and the Committees on Appropriations and Commerce, Science, and Transportation of the Senate at least 60 days in advance of the reversion of the funds to the general fund of the Treasury that such funds are needed to complete or to implement current or future relocations or sharing initiatives.'';

(6) amending subsection (e)(2) by adding ''and sharing'' before ''costs''; by adding ''or sharing'' before ''is complete''; and by adding ''or sharing'' before ''in accordance''; and

(7) adding a new subsection at the end thereof:

''(f) Notwithstanding subsections (c) through (e) of this section and after the amount specified in subsection (b), up to twenty percent of the amounts deposited in the Spectrum Relocation Fund from the auction of licenses following the date of enactment of this section for frequencies vacated by Federal entities, or up to twenty percent of the amounts paid by non-Federal entities for sharing of Federal spectrum, after the date of enactment are hereby appropriated and available at the discretion of the Director of the Office of Management and Budget, in consultation with the Assistant Secretary for Communications and Information, for payment to the eligible Federal entities, in addition to the relocation and sharing costs defined in paragraph (3) of subsection 923(g), for the purpose of encouraging timely access to those frequencies, provided that:

''(1) Such payments may be based on the market value of the spectrum, timeliness of clearing, and needs for agencies' essential missions;

''(2) Such payments are authorized for:

''(A) the purposes of achieving enhanced capabilities of systems that are affected by the activities specified in subparagraphs (A) through (F) of paragraph (3) of subsection 923(g) of this title; and

''(B) other communications, radar and spectrum-using investments not directly affected by such reallocation or sharing but essential for the missions of the Federal entity that is relocating its systems or sharing frequencies;

''(3) The increase to the Fund due to any one auction after any payment is not less than 10 percent of the winning bids in the relevant auction, or is not less than 10 percent of the payments from non-Federal entities in the relevant sharing agreement;

''(4) Payments to eligible entities must be based on the proceeds generated in the auction that an eligible entity participates in; and

''(5) Such payments will not be made until 30 days after the Director of OMB has notified the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives.''.

(f) Subparagraph D of section 309 (j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)(D)) is amended by adding '', after the retention of revenue described in subparagraph (B),'' before ''attributable'' and ''and frequencies identified by the Federal Communications Commission to be auctioned in conjunction with eligible frequencies described in 47 U.S.C. 923(g)(2)'' before the first ''shall'' in the subparagraph.

(g) If the head of an executive agency of the Federal Government determines that public disclosure of any information contained in notifications and reports required by sections 923 or 928 of Title 47 of the United States Code would reveal classified national security information or other information for which there is a legal basis for nondisclosure and such public disclosure would be detrimental to national security, homeland security, public safety, or jeopardize law enforcement investigations the head of the executive agency shall notify the NTIA of that determination prior to release of such information. In that event, such information shall be included in a separate annex, as needed and to the extent the agency head determines is consistent with national security or law enforcement purposes. These annexes shall be provided to the appropriate subcommittee in accordance with applicable stipulations, but shall not be disclosed to the public or provided to any unauthorized person through any other means.

SEC. 273. INCENTIVE AUCTION AUTHORITY.

(a) Paragraph (8) of section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in subparagraph (A), by deleting ''and (E)'' and inserting ''(E) and (F)'' after ''subparagraphs (B), (D),''; and

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

''(F) Notwithstanding any other provision of law, if the Commission determines that it is consistent with the public interest in utilization of the spectrum for a licensee to voluntarily relinquish some or all of its licensed spectrum usage rights in order to permit the assignment of new initial licenses through a competitive bidding process subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of any auction proceeds that the Commission determines, in its discretion, are attributable to the spectrum usage rights voluntarily relinquished by such licensee. If the Commission also determines that it is in the public interest to modify the spectrum usage rights of any incumbent licensee in order to facilitate the assignment of such new initial licenses subject to new service rules, or the designation of spectrum for unlicensed use, the Commission may pay to such licensee a portion of the auction proceeds for the purpose of relocating to any alternative frequency or location that the Commission may designate; Provided, however, that with respect to frequency bands between 54 megahertz and 72 megahertz, 76 megahertz and 88 megahertz, 174 megahertz and 216 megahertz, and 470 megahertz and 698 megahertz ('the specified bands'), any spectrum made available for alternative use utilizing payments authorized under this subsection shall be assigned via the competitive bidding process until the winning bidders for licenses covering at least 84 megahertz from the specified bands deposit the full amount of their bids in accordance with the Commission's instructions. In

addition, if more than 84 megahertz of spectrum from the specified bands is made available for alternative use utilizing payments under this subsection, and such spectrum is assigned via competitive bidding, a portion of the proceeds may be disbursed to licensees of other frequency bands for the purpose of making additional spectrum available, provided that a majority of such additional spectrum is assigned via competitive bidding. Also, provided that in exercising the authority provided under this section:

''(i) The Chairman of the Commission, in consultation with the Director of OMB, shall notify the Committees on Appropriations and Commerce, Science, and Transportation of the Senate, and the Committees on Appropriations and Energy and Commerce of the House of Representatives of the methodology for calculating such payments to licensees at least 3 months in advance of the relevant auction, and that such methodology consider the value of spectrum vacated in its current use and the timeliness of clearing; and

''(ii) Notwithstanding subparagraph (A), and except as provided in subparagraphs (B), (C), and (D), all proceeds (including deposits and up front payments from successful bidders) from the auction of spectrum under this section and section 106 of this Act shall be deposited with the Public Safety Trust Fund established under section 217 of this Act.

''(G) ESTABLISHMENT OF INCENTIVE AUCTION RELOCATION FUND.—

''(i) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Incentive Auction Relocation Fund'.

''(ii) ADMINISTRATION.—The Assistant Secretary shall administer the Incentive Auction Relocation Fund using the amounts deposited pursuant to this section.

''(iii) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the Incentive Auction Relocation Fund any amounts specified in section 217 of this Act.

''(iv) AVAILABILITY.—Amounts in the Incentive Auction Relocation Fund shall be available to the NTIA for use—

''(I) without fiscal year limitation;

''(II) for a period not to exceed 18 months following the later of—

''(aa) the completion of incentive auction from which such amounts were derived;

''(bb) the date on which the Commission issues all the new channel assignments pursuant to any repacking required under subparagraph (F)(ii); or

''(cc) the issuance of a construction permit by the Commission for a station to change channels, geographic locations, to collocate on the same channel or notification by a station to the Assistant Secretary that it is impacted by such a change; and

''(III) without further appropriation.

''(v) USE OF FUNDS.—Amounts in the Incentive Auction Relocation Fund may only be used by the NTIA, in consultation with the Commission, to cover—

''(I) the reasonable costs of television broadcast stations that are relocated to a different spectrum channel or geographic location following an incentive auction under subparagraph (F), or that are impacted by such relocations, including to cover the cost of new equipment, installation, and construction; and

''(II) the costs incurred by multichannel video programming distributors for new equipment, installation, and construction related to the carriage of such relocated stations or the carriage of stations that voluntarily elect to share a channel, but retain their existing rights to carriage pursuant to sections 338, 614, and 615.''.

SEC. 274. REQUIREMENTS WHEN REPURPOSING CERTAIN MOBILE SATELLITE SERVICES SPECTRUM FOR TERRESTRIAL BROADBAND USE.

To the extent that the Commission makes available terrestrial broadband rights on spectrum primarily licensed for mobile satellite services, the Commission shall recover a significant portion of the value of such right either through the authority provided in section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) or by section 278 of this subtitle.

SEC. 275. PERMANENT EXTENSION OF AUCTION AUTHORITY.

Section 309(j)11 of the Communications Act of 1934 (47 U.S.C. 309 (j)(11)) is repealed.

SEC. 276. AUTHORITY TO AUCTION LICENSES FOR DOMESTIC SATELLITE SERVICES.

Section 309(j) of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

''(17) Notwithstanding any other provision of law, the Commission shall use competitive bidding under this subsection to assign any license, construction permit, reservation, or similar authorization or modification thereof, that may be used solely or predominantly for domestic satellite communications services, including satellite-based television or radio services. A service is defined to be predominantly for domestic satellite communications services if the majority of customers that may be served are located within the geographic boundaries of the United States. The Commission may, however, use an alternative approach to assignment of such licenses or similar authorities if it finds that such an alternative to competitive bidding would serve the public interest, convenience, and necessity. This paragraph shall be effective on the date of its enactment and shall apply to all Commission assignments or reservations of spectrum for domestic satellite services, including, but not limited to, all assignments or reservations for satellite-based television or radio services as of the effective date.''.

SEC. 277. DIRECTED AUCTION OF CERTAIN SPECTRUM.

(a) IDENTIFICATION OF SPECTRUM.—Not later than 1 year after the date of enactment of this subtitle, the Assistant Secretary shall identify and make available for immediate reallocation, at a minimum, 15 megahertz of contiguous spectrum at frequencies located between 1675 megahertz and 1710 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands'', to be made available for reallocation or sharing with incumbent Government operations.

(b) AUCTION.—Not later than January 31, 2016, the Commission shall conduct, in such combination as deemed appropriate by the Commission, the auctions of the following licenses covering at least the frequencies described in this section, by commencing the bidding for:

(1) The spectrum between the frequencies of 1915 megahertz and 1920 megahertz, inclusive.

(2) The spectrum between the frequencies of 1995 megahertz and 2000 megahertz, inclusive.

(3) The spectrum between the frequencies of 2020 megahertz and 2025 megahertz, inclusive.

(4) The spectrum between the frequencies of 2155 megahertz and 2175 megahertz, inclusive.

(5) The spectrum between the frequencies of 2175 megahertz and 2180 megahertz, inclusive.

(6) At least 25 megahertz of spectrum between the frequencies of 1755 megahertz and 1850 megahertz, minus appropriate geographic exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum should not be reallocated due to the need to protect incumbent Federal operations; or reallocation must be delayed or progressed in phases to ensure protection or continuity of Federal operations; and

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to auction of spectrum frequencies identified in this paragraph.

(7) The Commission may substitute alternative spectrum frequencies for the spectrum frequencies identified in paragraphs (1) through (5) of this subsection, if the Commission determines that alternative spectrum would better serve the public interest and the Office of Management and Budget certifies that such alternative spectrum frequencies are reasonably expected to produce receipts comparable to auction of the spectrum frequencies identified in paragraphs (1) through (5) of this subsection.

(c) AUCTION ORGANIZATION.—The Commission may, if technically feasible and consistent with the public interest, combine the spectrum identified in paragraphs (4), (5), and the portion of paragraph (6) between the frequencies of 1755 megahertz and 1850 megahertz, inclusive, of subsection (b) in an auction of licenses for paired spectrum blocks.

(d) FURTHER REALLOCATION OF CERTAIN OTHER SPECTRUM.—

(1) COVERED SPECTRUM.—For purposes of this subsection, the term ''covered spectrum'' means the portion of the electromagnetic spectrum between the frequencies of 3550 to 3650 megahertz, inclusive, minus the geographic exclusion zones, or any amendment thereof, identified in NTIA's October 2010 report entitled ''An Assessment of Near-Term Viability of Accommodating Wireless Broadband Systems in 1675–1710 MHz, 1755–1780 MHz, 3500–3650 MHz, and 4200–4220 MHz, 4380–4400 MHz Bands''.

(2) IN GENERAL.—Consistent with requirements of section 309(j) of the Communications Act of 1934, the Commission shall reallocate covered spectrum for assignment by competitive bidding or allocation to unlicensed use, minus appropriate exclusion zones if necessary, unless the President of the United States determines that—

(A) such spectrum cannot be reallocated due to the need to protect incumbent Federal systems from interference; or

(B) allocation of other spectrum—

(i) better serves the public interest, convenience, and necessity; and

(ii) can reasonably be expected to produce receipts comparable to what the covered spectrum might auction for without the geographic exclusion zones.

(3) ACTIONS REQUIRED IF COVERED SPECTRUM CANNOT BE REALLOCATED.—

(A) IN GENERAL.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, then the President shall, within 1 year after the date of such determination—

(i) identify alternative bands of frequencies totaling more than 20 megahertz and no more than 100 megahertz of spectrum used primarily by Federal agencies that satisfy the requirements of clauses (i) and (ii) of paragraph (2)(B);

(ii) report to the appropriate committees of Congress and the Commission an identification of such alternative spectrum for assignment by competitive bidding; and

(iii) make such alternative spectrum for assignment immediately available for reallocation.

(B) AUCTION.—If the President makes a determination under paragraph (2) that the covered spectrum cannot be reallocated, the Commission shall commence the bidding of the alternative spectrum identified pursuant to subparagraph (A) within 3 years of the date of enactment of this subtitle.

(4) ACTIONS REQUIRED IF COVERED SPECTRUM CAN BE REALLOCATED.—If the President does not make a determination under paragraph (1) that the covered spectrum cannot be reallocated, the Commission shall commence the competitive bidding for the covered spectrum within 3 years of the date of enactment of this subtitle.

(e) AMENDMENTS TO DESIGN REQUIREMENTS RELATED TO COMPETITIVE BIDDING.—Section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (E)(ii), by striking ''; and'' and inserting a semicolon; and

(B) in subparagraph (F), by striking the period at the end and inserting a semicolon; and

(2) by amending clause (i) of the second sentence of paragraph (8)(C) to read as follows:

''(i) the deposits—

''(I) of successful bidders of any auction conducted pursuant to subparagraph (F) of section 106 of this act shall be paid to the Public Safety Trust Fund established under section 217 of such Act; and

''(II) of successful bidders of any other auction shall be paid to the Treasury;''.

SEC. 278. AUTHORITY TO ESTABLISH SPECTRUM LICENSE USER FEES.

Section 309 of the Communications Act of 1934 is amended by adding the following new subsection at the end thereof:

''(m) USE OF SPECTRUM LICENSE USER FEES.—For initial licenses or construction permits that are not granted through the use of competitive bidding as set forth in subsection (j), and for renewals or modifications of initial licenses or other authorizations, whether granted through competitive bidding or not, the Commission may, where warranted, establish, assess, and collect annual user fees on holders of spectrum licenses or construction permits, including their successors or assignees, in order to promote efficient and effective use of the electromagnetic spectrum.

''(1) REQUIRED COLLECTIONS.—The Commission shall collect at least the following amounts—

''(A) $200,000,000 in fiscal year 2012;

''(B) $300,000,000 in fiscal year 2013;

''(C) $425,000,000 in fiscal year 2014;

''(D) $550,000,000 in fiscal year 2015;

''(E) $550,000,000 in fiscal year 2016;

''(F) $550,000,000 in fiscal year 2017;

''(G) $550,000,000 in fiscal year 2018;

''(H) $550,000,000 in fiscal year 2019;

''(I) $550,000,000 in fiscal year 2020; and

''(J) $550,000,000 in fiscal year 2021.

''(2) DEVELOPMENT OF SPECTRUM FEE REGULATIONS.—

''(A) The Commission shall, by regulation, establish a methodology for assessing annual spectrum user fees and a schedule for collection of such fees on classes of spectrum licenses or construction permits or other instruments of authorization, consistent with the public interest, convenience and necessity. The Commission may determine over time different classes of spectrum licenses or construction permits upon which such fees may be assessed. In establishing the fee methodology, the Commission may consider the following factors:

''(i) the highest value alternative spectrum use forgone;

''(ii) scope and type of permissible services and uses;

''(iii) amount of spectrum and licensed coverage area;

''(iv) shared versus exclusive use;

''(v) level of demand for spectrum licenses or construction permits within a certain spectrum band or geographic area;

''(vi) the amount of revenue raised on comparable licenses awarded through an auction; and

''(vii) such factors that the Commission determines, in its discretion, are necessary to promote efficient and effective spectrum use.

''(B) In addition, the Commission shall, by regulation, establish a methodology for assessing annual user fees and a schedule for collection of such fees on entities holding Ancillary Terrestrial Component authority in conjunction with Mobile Satellite Service spectrum licenses, where the Ancillary Terrestrial Component authority was not assigned through use of competitive bidding. The Commission shall not collect less from the holders of such authority than a reasonable estimate of the value of such authority over its term, regardless of whether terrestrial services is actually provided during this term. In determining a reasonable estimate of the value of such authority, the Commission may consider factors listed in subsection (A).

''(C) Within 60 days of enactment of this Act, the Commission shall commence a rulemaking to develop the fee methodology and regulations. The Commission shall take all actions necessary so that it can collect fees from the first class or classes of spectrum license or construction permit holders no later than September 30, 2012.

''(D) The Commission, from time to time, may commence further rulemakings (separate from or in connection with other rulemakings or proceedings involving spectrum-based services, licenses, permits and uses) and modify the fee methodology or revise its rules required by paragraph (B) to add or modify classes of spectrum license or construction permit holders that must pay fees, and assign or adjust such fee as a result of the addition, deletion, reclassification or other change in a spectrum-based service or use, including changes in the nature of a spectrum-based service or use as a consequence of Commission rulemaking proceedings or changes in law. Any resulting changes in the classes of spectrum licenses, construction permits or fees shall take effect upon the dates established in the Commission's rulemaking proceeding in accordance with applicable law.

''(E) The Commission shall exempt from such fees holders of licenses for broadcast television and public safety services. The term 'emergency response providers' includes State, local, and tribal, emergency public safety, law enforcement, firefighter, emergency response, emergency medical (including hospital emergency facilities), and related personnel, agencies and authorities.

''(3) PENALTIES FOR LATE PAYMENT.—The Commission shall prescribe by regulation an additional charge which shall be assessed as a penalty for late payment of fees required by this subsection.

''(4) REVOCATION OF LICENSE OR PERMIT.—The Commission may revoke any spectrum license or construction permit for a licensee's or permitee's failure to pay in a timely manner any fee or penalty to the Commission under this subsection. Such revocation action may be taken by the Commission after notice of the Commission's intent to take such action is sent to the licensee by registered mail, return receipt requested, at the licensee's last known address. The notice will provide the licensee at least 30 days to either pay the fee or show cause why the fee does not apply to the licensee or should otherwise be waived or payment deferred. A hearing is not required under this subsection unless the licensee's response presents a substantial and material question of fact. In any case where a hearing is conducted pursuant to this section, the hearing shall be based on written evidence only, and the burden of proceeding with the introduction of evidence and the burden of proof shall be on the licensee. Unless the licensee substantially prevails in the hearing, the Commission may assess the licensee for the costs of such hearing. Any Commission order adopted pursuant to this subsection shall determine the amount due, if any, and provide the licensee with at least 30 days to pay that amount or have its authorization revoked. No order of revocation under this subsection shall become final until the licensee has exhausted its right to judicial review of such order under section 402(b)(5) of this title.

''(5) TREATMENT OF REVENUES.—All proceeds obtained pursuant to the regulations required by this subsection shall be deposited in the General Fund of the Treasury.''.

PART II—PUBLIC SAFETY BROADBAND NETWORK

SEC. 281. REALLOCATION OF D BLOCK FOR PUBLIC SAFETY.

(a) IN GENERAL.—The Commission shall reallocate the 700 MHz D block spectrum for use by public safety entities in accordance with the provisions of this subtitle.

(b) SPECTRUM ALLOCATION.—Section 337(a) of the Communications Act of 1934 (47 U.S.C. 337(a)) is amended—

(1) by striking ''24'' in paragraph (1) and inserting ''34''; and

(2) by striking ''36'' in paragraph (2) and inserting ''26''.

SEC. 282. FLEXIBLE USE OF NARROWBAND SPECTRUM.

The Commission may allow the narrowband spectrum to be used in a flexible manner, including usage for public safety broadband communications, subject to such technical and interference protection measures as the Commission may require and subject to interoperability requirements of the Commission and the Corporation established in section 204 of this subtitle.

SEC. 283. SINGLE PUBLIC SAFETY WIRELESS NETWORK LICENSEE.

(a) REALLOCATION AND GRANT OF LICENSE.—Notwithstanding any other provision of law, and subject to the provisions of this subtitle, including section 290, the Commission shall grant a license to the Public Safety Broadband Corporation established under section 284 for the use of the 700 MHz D block spectrum and existing public safety broadband spectrum.

(b) TERM OF LICENSE.—

(1) INITIAL LICENSE.—The license granted under subsection (a) shall be for an initial term of 10 years from the date of the initial issuance of the license.

(2) RENEWAL OF LICENSE.—Prior to expiration of the term of the initial license granted under subsection (a) or the expiration of any subsequent renewal of such license, the Corporation shall submit to the Commission an application for the renewal of such license. Such renewal application shall demonstrate that, during the preceding license term, the Corporation has met the duties and obligations set forth under this subtitle. A renewal license granted under this paragraph shall be for a term of not to exceed 15 years.

(c) FACILITATION OF TRANSITION.—The Commission shall take all actions necessary to facilitate the transition of the existing public safety broadband spectrum to the Public Safety Broadband Corporation established under section 284.

SEC. 284. ESTABLISHMENT OF PUBLIC SAFETY BROADBAND CORPORATION.

(a) ESTABLISHMENT.—There is authorized to be established a private, nonprofit corporation, to be known as the ''Public Safety Broadband Corporation'', which is neither an agency nor establishment of the United States Government or the District of Columbia Government.

(b) APPLICATION OF PROVISIONS.—The Corporation shall be subject to the provisions of this subtitle, and, to the extent consistent with this subtitle, to the District of Columbia Nonprofit Corporation Act (sec. 29–301.01 et seq., D.C. Official Code).

(c) RESIDENCE.—The Corporation shall have its place of business in the District of Columbia and shall be considered, for purposes of venue in civil actions, to be a resident of the District of Columbia.

(d) POWERS UNDER DC ACT.—In order to carry out the duties and activities of the Corporation, the Corporation shall have the usual powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act.

(e) INCORPORATION.—The members of the initial Board of Directors of the Corporation shall serve as incorporators and shall take whatever steps that are necessary to establish the Corporation under the District of Columbia Nonprofit Corporation Act.

SEC. 285. BOARD OF DIRECTORS OF THE CORPORATION.

(a) MEMBERSHIP.—The management of the Corporation shall be vested in a Board of Directors (referred to in this Title as the ''Board''), which shall consist of the following members:

(1) FEDERAL MEMBERS.—The following individuals, or their respective designees, shall serve as Federal members:

(A) The Secretary of Commerce.

(B) The Secretary of Homeland Security.

(C) The Attorney General of the United States.

(D) The Director of the Office of Management and Budget.

(2) NON-FEDERAL MEMBERS.—

(A) IN GENERAL.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall appoint 11 individuals to serve as non-Federal members of the Board.

(B) STATE, TERRITORIAL, TRIBAL AND LOCAL GOVERNMENT INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should—

(i) appoint at least 3 individuals with significant expertise in the collective interests of State, territorial, tribal and local governments; and

(ii) seek to ensure geographic and regional representation of the United States in such appointments; and

(iii) seek to ensure rural and urban representation in such appointments.

(C) PUBLIC SAFETY INTERESTS.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint at least 3 individuals who have served or are currently serving as public safety professionals.

(D) REQUIRED QUALIFICATIONS.—

(i) IN GENERAL.—Each non-Federal member appointed under subparagraph (A) should meet at least 1 of the following criteria:

(I) PUBLIC SAFETY EXPERIENCE.—Knowledge and experience in the use of Federal, State, local, or tribal public safety or emergency response.

(II) TECHNICAL EXPERTISE.—Technical expertise and fluency regarding broadband communications, including public safety communications and cybersecurity.

(III) NETWORK EXPERTISE.—Expertise in building, deploying, and operating commercial telecommunications networks.

(IV) FINANCIAL EXPERTISE.—Expertise in financing and funding telecommunications networks.

(ii) EXPERTISE TO BE REPRESENTED.—In making appointments under subparagraph (A), the Secretary of Commerce should appoint—

(I) at least one individual who satisfies the requirement under subclause (II) of clause (i);

(II) at least one individual who satisfies the requirement under subclause (III) of clause (i); and

(III) at least one individual who satisfies the requirement under subclause (IV) of clause (i).

(E) INDEPENDENCE.—

(i) IN GENERAL.—Each non-Federal member of the Board shall be independent and neutral and maintain a fiduciary relationship with the Corporation in performing his or her duties.

(ii) INDEPENDENCE DETERMINATION.—In order to be considered independent for purposes of this subparagraph, a member of the Board—

(I) may not, other than in his or her capacity as a member of the Board or any committee thereof—

(aa) accept any consulting, advisory, or other compensatory fee from the Corporation; or

(bb) be a person associated with the Corporation or with any affiliated company thereof; and

(II) shall be disqualified from any deliberation involving any transaction of the Corporation in which the Board member has a financial interest in the outcome of the transaction.

(F) NOT OFFICERS OR EMPLOYEES.—The non-Federal members of the Board shall not, by reason of such membership, be considered to be officers or employees of the United States Government or of the District of Columbia Government.

(G) CITIZENSHIP.—No individual other than a citizen of the United States may serve as a non-Federal member of the Board.

(H) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, the non-Federal members of the Board shall be required, prior to appointment, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) TERMS OF APPOINTMENT.—

(1) INITIAL APPOINTMENT DEADLINE.—Members of the Board shall be appointed not later than 180 days after the date of the enactment of this subtitle.

(2) TERMS.—

(A) LENGTH.—

(i) FEDERAL MEMBERS.—Each Federal member of the Board shall serve as a member of the Board for the life of the Corporation while serving in their appointed capacity.

(ii) NON-FEDERAL MEMBERS.—The term of office of each non-Federal member of the Board shall be 3 years. No non-Federal member of the Board may serve more than 2 consecutive full 3-year terms.

(B) EXPIRATION OF TERM.—Any member whose term has expired may serve until such member's successor has taken office, or until the end of the calendar year in which such member's term has expired, whichever is earlier.

(C) APPOINTMENT TO FILL VACANCY.—Any non-Federal member appointed to fill a vacancy occurring prior to the expiration of the term for which that member's predecessor was appointed shall be appointed for the remainder of the predecessor's term.

(D) STAGGERED TERMS.—With respect to the initial non-Federal members of the Board—

(i) 4 members shall serve for a term of 3 years;

(ii) 4 members shall serve for a term of 2 years; and

(iii) 3 members shall serve for a term of 1 year.

(3) VACANCIES.—A vacancy in the membership of the Board shall not affect the Board's powers, and shall be filled in the same manner as the original member was appointed.

(c) CHAIR.—

(1) SELECTION.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, shall select, from among the members of the Board, an individual to serve for a 2-year term as Chair of the Board.

(2) CONSECUTIVE TERMS.—An individual may not serve for more than 2 consecutive terms as Chair of the Board.

(3) REMOVAL FOR CAUSE.—The Secretary of Commerce, in consultation with the Secretary of Homeland Security and the Attorney General of the United States, may remove the Chair of the Board and any non-Federal member for good cause.

(d) REMOVAL.—All members of the Board may by majority vote—

(1) remove any non-Federal member of the Board from office for conduct determined by the Board to be detrimental to the Board or Corporation; and

(2) request that the Secretary of Commerce exercise his or her authority to remove the Chair of the Board for conduct determined by the Board to be detrimental to the Board or Corporation.

(e) MEETINGS.—

(1) FREQUENCY.—The Board shall meet in accordance with the bylaws of the Corporation—

(A) at the call of the Chairperson; and

(B) not less frequently than once each quarter.

(2) TRANSPARENCY.—Meetings of the Board, including any committee of the Board, shall be open to the public. The Board may, by majority vote, close any such meeting only for the time necessary to preserve the confidentiality of commercial or financial information that is privileged or confidential, to discuss personnel matters, to discuss security vulnerabilities when making those vulnerabilities public would increase risk to the network or otherwise materially threaten network operations, or to discuss legal matters affecting the Corporation, including pending or potential litigation.

(f) QUORUM.—Eight members of the Board shall constitute a quorum.

(g) BYLAWS.—A majority of the members of the Board of Directors may amend the bylaws of the Corporation.

(h) ATTENDANCE.—Members of the Board of Directors may attend meetings of the Corporation and vote in person, via telephone conference, or via video conference.

(i) PROHIBITION ON COMPENSATION.—Members of the Board of the Corporation shall serve without pay, and shall not otherwise benefit, directly or indirectly, as a result of their service to the Corporation, but shall be allowed a per diem allowance for travel expenses, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Corporation.

SEC. 286. OFFICERS, EMPLOYEES, AND COMMITTEES OF THE CORPORATION.

(a) OFFICERS AND EMPLOYEES.—

(1) IN GENERAL.—The Corporation shall have a Chief Executive Officer, and such

other officers and employees as may be named and appointed by the Board for terms and at rates of compensation fixed by the Board pursuant to this subsection. The Chief Executive Officer may name and appoint such employees as are necessary. All officers and employees shall serve at the pleasure of the Board.

(2) LIMITATION.—No individual other than a citizen of the United States may be an officer of the Corporation.

(3) NONPOLITICAL NATURE OF APPOINTMENT.—No political test or qualification shall be used in selecting, appointing, promoting, or taking other personnel actions with respect to officers, agents, or employees of the Corporation.

(4) COMPENSATION.—

(A) IN GENERAL.—The Board may hire and fix the compensation of employees hired under this subsection as may be necessary to carry out the purposes of the Corporation.

(B) APPROVAL BY COMPENSATION BY FEDERAL MEMBERS.—Notwithstanding any other provision of law, or any bylaw adopted by the Corporation, all rates of compensation, including benefit plans and salary ranges, for officers and employees of the Board, shall be jointly approved by the Federal members of the Board.

(C) LIMITATION ON OTHER COMPENSATION.—No officer or employee of the Corporation may receive any salary or other compensation (except for compensation for services on boards of directors of other organizations that do not receive funds from the Corporation, on committees of such boards, and in similar activities for such organizations) from any sources other than the Corporation for services rendered during the period of the employment of the officer or employee by the Corporation, unless unanimously approved by all voting members of the Corporation.

(5) SERVICE ON OTHER BOARDS.—Service by any officer on boards of directors of other organizations, on committees of such boards, and in similar activities for such organizations shall be subject to annual advance approval by the Board and subject to the provisions of the Corporation's Statement of Ethical Conduct.

(6) RULE OF CONSTRUCTION.—No officer or employee of the Board or of the Corporation shall be considered to be an officer or employee of the United States Government or of the government of the District of Columbia.

(7) CLEARANCE FOR CLASSIFIED INFORMATION.—In order to have the threat and vulnerability information necessary to make risk management decisions regarding the network, at a minimum the Chief Executive Officer and any officers filling the roles normally titled as Chief Information Officers, Chief Information Security Officer, and Chief Operations Officer shall—

(A) be required, within six months of being hired, to obtain a clearance held by the Director of National Intelligence that permits them to receive information classified at the level of Top Secret, Special Compartmented Information.

(b) ADVISORY COMMITTEES.—The Board—

(1) shall establish a standing public safety advisory committee to assist the Board in carrying out its duties and responsibilities under this title; and

(2) may establish additional standing or ad hoc committees, panels, or councils as the Board determines are necessary.

SEC. 287. NONPROFIT AND NONPOLITICAL NATURE OF THE CORPORATION.

(a) STOCK.—The Corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(b) PROFIT.—No part of the income or assets of the Corporation shall inure to the benefit of any director, officer, employee, or any other individual associated with the Corporation, except as salary or reasonable compensation for services.

(c) POLITICS.—The Corporation may not contribute to or otherwise support any political party or candidate for elective public office.

(d) PROHIBITION ON LOBBYING ACTIVITIES.—The Corporation shall not engage in lobbying activities (as defined in section 3(7) of the Lobbying Disclosure Act of 1995 (5 U.S.C. 1602(7))).

SEC. 288. POWERS, DUTIES, AND RESPONSIBILITIES OF THE CORPORATION.

(a) GENERAL POWERS.—The Corporation shall have the authority to do the following:

(1) To adopt and use a corporate seal.

(2) To have succession until dissolved by an Act of Congress.

(3) To prescribe, through the actions of its Board, bylaws not inconsistent with Federal law and the laws of the District of Columbia, regulating the manner in which the Corporation's general business may be conducted and the manner in which the privileges granted to the Corporation by law may be exercised.

(4) To exercise, through the actions of its Board, all powers specifically granted by the provisions of this title, and such incidental powers as shall be necessary.

(5) To hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Corporation considers necessary to carry out its responsibilities and duties.

(6) To obtain grants and funds from and make contracts with individuals, private companies, organizations, institutions, and Federal, State, regional, and local agencies, pursuant to guidelines established by the Director of the Office of Management and Budget.

(7) To accept, hold, administer, and utilize gifts, donations, and bequests of property, both real and personal, for the purposes of aiding or facilitating the work of the Corporation.

(8) To issue notes or bonds, which shall not be guaranteed or backed in any manner by the Government of the United States, to purchasers of such instruments in the private capital markets.

(9) To incur indebtedness, which shall be the sole liability of the Corporation and shall not be guaranteed or backed by the Government of the United States, to carry out the purposes of this Title.

(10) To spend funds under paragraph (6) in a manner authorized by the Board, but only for purposes that will advance or enhance public safety communications consistent with this subtitle.

(11) To establish reserve accounts with funds that the Corporation may receive from time to time that exceed the amounts required by the Corporation to timely pay its debt service and other obligations.

(12) To expend the funds placed in any reserve accounts established under paragraph (11) (including interest earned on any such amounts) in a manner authorized by the Board, but only for purposes that—

(A) will advance or enhance public safety communications consistent with this subtitle; or

(B) are otherwise approved by an Act of Congress.

(13) To build, operate and maintain the public safety interoperable broadband network.

(14) To take such other actions as the Corporation (through its Board) may from time to time determine necessary, appropriate, or advisable to accomplish the purposes of this subtitle.

(b) DUTY AND RESPONSIBILITY TO DEPLOY AND OPERATE A NATIONWIDE PUBLIC SAFETY INTEROPERABLE BROADBAND NETWORK.—

(1) IN GENERAL.—The Corporation shall hold the single public safety wireless license granted under section 281 and take all actions necessary to ensure the building, deployment, and operation of a secure and resilient nationwide public safety interoperable broadband network in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 284(b)(1), including by—

(A) ensuring nationwide standards including encryption requirements for use and access of the network;

(B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network;

(C) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network; and

(D) establishing policies regarding Federal and public safety support use.

(2) INTEROPERABILITY, SECURITY AND STANDARDS.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation shall—

(A) ensure the safety, security, and resiliency of the network, including requirements for protecting and monitoring the network to protect against cyber intrusions or cyberattack;

(B) be informed of and manage supply chain risks to the network, including requirements to provide insight into the suppliers and supply chains for critical network components and to implement risk management best practice in network design, contracting, operations and maintenance;

(C) promote competition in the equipment market, including devices for public safety communications, by requiring that equipment and devices for use on the network be—

(i) built to open, non-proprietary, commercially available standards;

(ii) capable of being used across the nationwide public safety broadband network operating in the 700 MHz band;

(iii) be able to be interchangeable with other vendors' equipment; and

(iv) backward-compatible with existing second and third generation commercial networks to the extent that such capabilities are necessary and technically and economically reasonable; and

(D) promote integration of the network with public safety answering points or their equivalent.

(3) RURAL COVERAGE.—In carrying out the duties and responsibilities of this subsection, including issuing requests for proposals, the Corporation, consistent with the license granted under section 281, shall require deployment phases with substantial rural coverage milestones as part of each phase of the construction and deployment of the network.

(4) EXECUTION OF AUTHORITY.—In carrying out the duties and responsibilities of this subsection, the Corporation may—

(A) obtain grants from and make contracts with individuals, private companies, and Federal, State, regional, and local agencies;

(B) hire or accept voluntary services of consultants, experts, advisory boards, and panels to aid the Corporation in carrying out such duties and responsibilities;

(C) receive payment for use of—

(i) network capacity licensed to the Corporation; and

(ii) network infrastructure constructed, owned, or operated by the Corporation; and

(D) take such other actions as may be necessary to accomplish the purposes set forth in this subsection.

(c) OTHER SPECIFIC DUTIES AND RESPONSIBILITIES.—

(1) ESTABLISHMENT OF NETWORK POLICIES.—In carrying out the requirements under subsection (b), the Corporation shall take such actions as may be necessary, including the development of requests for proposals—

(A) request for proposals should include—

(i) build timetables, including by taking into consideration the time needed to build out to rural areas;

(ii) coverage areas, including coverage in rural and nonurban areas;

(iii) service levels;

(iv) performance criteria; and

(v) other similar matters for the construction and deployment of such network;

(B) the technical, operational and security requirements of the network and, as appropriate, network suppliers;

(C) practices, procedures, and standards for the management and operation of such network;

(D) terms of service for the use of such network, including billing practices; and

(E) ongoing compliance review and monitoring of the—

(i) management and operation of such network;

(ii) practices and procedures of the entities operating on and the personnel using such network; and

(iii) training needs of entities operating on and personnel using such network.

(2) STATE AND LOCAL PLANNING.—

(A) REQUIRED CONSULTATION.—In developing requests for proposal and otherwise carrying out its responsibilities under this subtitle, the Corporation shall consult with regional, State, tribal, and local jurisdictions regarding the distribution and expenditure of any amounts required to carry out the policies established under paragraph (1), including with regard to the—

(i) construction of an Evolved Packet Core or Cores and any Radio Access Network build out;

(ii) placement of towers;

(iii) coverage areas of the network, whether at the regional, State, tribal, or local level;

(iv) adequacy of hardening, security, reliability, and resiliency requirements;

(v) assignment of priority to local users;

(vi) assignment of priority and selection of entities seeking access to or use of the nationwide public safety interoperable broadband network established under subsection (b); and

(vii) training needs of local users.

(B) METHOD OF CONSULTATION.—The consultation required under subparagraph (A) shall occur between the Corporation and the single officer or governmental body designated under section 294(d).

(3) LEVERAGING EXISTING INFRASTRUCTURE.—In carrying out the requirement under subsection (b), the Corporation shall enter into agreements to utilize, to the maximum economically desirable, existing—

(A) commercial or other communications infrastructure; and

(B) Federal, State, tribal, or local infrastructure.

(4) MAINTENANCE AND UPGRADES.—The Corporation shall ensure through the maintenance, operation, and improvement of the nationwide public safety interoperable broadband network established under subsection (b), including by ensuring that the Corporation updates and revises any policies established under paragraph (1) to take into account new and evolving technologies and security concerns.

(5) ROAMING AGREEMENTS.—The Corporation shall negotiate and enter into, as it determines appropriate, roaming agreements with commercial network providers to allow the nationwide public safety interoperable broadband users to roam onto commercial networks and gain prioritization of public safety communications over such networks in times of an emergency.

(6) NETWORK INFRASTRUCTURE AND DEVICE CRITERIA.—The Director of NIST, in consultation with the Corporation and the Commission, shall ensure the development of a list of certified devices and components meeting appropriate protocols, encryption requirements, and standards for public safety entities and commercial vendors to adhere to, if such entities or vendors seek to have access to, use of, or compatibility with the nationwide public safety interoperable broadband network established under subsection (b).

(7) REPRESENTATION BEFORE STANDARD SETTING ENTITIES.—The Corporation, in consultation with the Director of NIST, the Commission, and the public safety advisory committee established under section 284(b)(1), shall represent the interests of public safety users of the nationwide public safety interoperable broadband network established under subsection (b) before any proceeding, negotiation, or other matter in which a standards organization, standards body, standards development organization, or any other recognized standards-setting entity regarding the development of standards relating to interoperability.

(8) PROHIBITION ON NEGOTIATION WITH FOREIGN GOVERNMENTS.—Except as authorized by the President, the Corporation shall not have the authority to negotiate or enter into any agreements with a foreign government on behalf of the United States.

(d) USE OF MAILS.—The Corporation may use the United States mails in the same manner and under the same conditions as the departments and agencies of the United States.

SEC. 289. INITIAL FUNDING FOR CORPORATION.

(a) NTIA PROVISION OF INITIAL FUNDING TO THE CORPORATION.—

(1) IN GENERAL.—Prior to the commencement of incentive auctions to be carried out under section 309(j)(8)(F) of the Communications Act of 1934 or the auction of spectrum pursuant to section 273 of this subtitle, the NTIA is hereby appropriated $50,000,000 for reasonable administrative expenses and other costs associated with the establishment of the Corporation, and that may be transferred as needed to the Corporation for expenses before the commencement of incentive auction: Provided, That funding shall expire on September 30, 2014.

(2) CONDITION OF FUNDING.—At the time of application for, and as a condition to, any such funding, the Corporation shall file with the NTIA a statement with respect to the anticipated use of the proceeds of this funding.

(3) NTIA APPROVAL.—If the NTIA determines that such funding is necessary for the Corporation to carry out its duties and responsibilities under this title and that Corporation has submitted a plan, then the NTIA shall notify the appropriate committees of Congress 30 days before each transfer of funds takes place.

SEC. 290. PERMANENT SELF-FUNDING; DUTY TO ASSESS AND COLLECT FEES FOR NETWORK USE.

(a) IN GENERAL.—The Corporation shall have the authority to assess and collect the following fees:

(1) NETWORK USER FEE.—A user or subscription fee from each entity, including any public safety entity or secondary user, that seeks access to or use of the nationwide public safety interoperable broadband network established under this title.

(2) LEASE FEES RELATED TO NETWORK CAPACITY.—

(A) IN GENERAL.—A fee from any non-Federal entity that seeks to enter into a covered leasing agreement.

(B) COVERED LEASING AGREEMENT.—For purposes of subparagraph (A), a ''covered leasing agreement'' means a written agreement between the Corporation and secondary user to permit—

(i) access to network capacity on a secondary basis for non-public safety services; and

(ii) the spectrum allocated to such entity to be used for commercial transmissions along the dark fiber of the long-haul network of such entity.

(3) LEASE FEES RELATED TO NETWORK EQUIPMENT AND INFRASTRUCTURE.—A fee from any non-Federal entity that seeks access to or use of any equipment or infrastructure, including antennas or towers, constructed or otherwise owned by the Corporation.

(b) ESTABLISHMENT OF FEE AMOUNTS; PERMANENT SELF-FUNDING.—The total amount of the fees assessed for each fiscal year pursuant to this section shall be sufficient, and shall not exceed the amount necessary, to recoup the total expenses of the Corporation in carrying out its duties and responsibilities described under this title for the fiscal year involved.

(c) REQUIRED REINVESTMENT OF FUNDS.—The Corporation shall reinvest amounts received from the assessment of fees under this section in the nationwide public safety interoperable broadband network by using such funds only for constructing, maintaining, managing or improving the network.

SEC. 291. AUDIT AND REPORT.

(a) AUDIT.—

(1) IN GENERAL.—The financial transactions of the Corporation for any fiscal year during which Federal funds are available to finance any portion of its operations shall be audited by the Comptroller General of the United States in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General.

(2) LOCATION.—Any audit conducted under paragraph (1) shall be conducted at the place or places where accounts of the Corporation are normally kept.

(3) ACCESS TO CORPORATION BOOKS AND DOCUMENTS.—

(A) IN GENERAL.—For purposes of an audit conducted under paragraph (1), the representatives of the Comptroller General shall—

(i) have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation that pertain to the financial transactions of the Corporation and are necessary to facilitate the audit; and

(ii) be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians.

(B) REQUIREMENT.—All books, accounts, records, reports, files, papers, and property of the Corporation shall remain in the possession and custody of the Corporation.

(b) REPORT.—

(1) IN GENERAL.—The Comptroller General of the United States shall submit a report of each audit conducted under subsection (a) to—

(A) the appropriate committees of Congress;

(B) the President; and

(C) the Corporation.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain—

(A) such comments and information as the Comptroller General determines necessary to inform Congress of the financial operations and condition of the Corporation;

(B) any recommendations of the Comptroller General relating to the financial operations and condition of the Corporation; and

(C) a description of any program, expenditure, or other financial transaction or undertaking of the Corporation that was observed during the course of the audit, which, in the opinion of the Comptroller General, has been carried on or made without the authority of law.

SEC. 292. ANNUAL REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this subtitle, and each year thereafter, the Corporation shall submit an annual report covering the preceding fiscal year to the President and the appropriate committees of Congress.

(b) REQUIRED CONTENT.—The report required under subsection (a) shall include—

(1) a comprehensive and detailed report of the operations, activities, financial condition, and accomplishments of the Corporation under this section; and

(2) such recommendations or proposals for legislative or administrative action as the Corporation deems appropriate.

(c) AVAILABILITY TO TESTIFY.—The directors, officers, employees, and agents of the Corporation shall be available to testify before the appropriate committees of the Congress with respect to—

(1) the report required under subsection (a);

(2) the report of any audit made by the Comptroller General under section 291; or

(3) any other matter which such committees may determine appropriate.

SEC. 293. PROVISION OF TECHNICAL ASSISTANCE.

The Commission and the Departments of Homeland Security, Justice and Commerce may provide technical assistance to the Corporation and may take any action at the request of the Corporation in effectuating its duties and responsibilities under this title.

SEC. 294. STATE AND LOCAL IMPLEMENTATION.

(a) ESTABLISHMENT OF STATE AND LOCAL IMPLEMENTATION GRANT PROGRAM.—The Assistant Secretary, in consultation with the Corporation, shall take such action as is necessary to establish a grant program to make grants to States to assist State, regional, tribal, and local jurisdictions to identify, plan, and implement the most efficient and effective way for such jurisdictions to utilize and integrate the infrastructure, equipment, and other architecture associated with the nationwide public safety interoperable broadband network established in this subtitle to satisfy the wireless communications and data services needs of that jurisdiction, including with regards to coverage, siting, identity management for public safety users and their devices, and other needs.

(b) MATCHING REQUIREMENTS; FEDERAL SHARE.—

(1) IN GENERAL.—The Federal share of the cost of any activity carried out using a grant under this section may not exceed 80 percent of the eligible costs of carrying out that activity, as determined by the Assistant Secretary, in consultation with the Corporation.

(2) WAIVER.—The Assistant Secretary may waive, in whole or in part, the requirements of paragraph (1) for good cause shown if the Assistant Secretary determines that such a waiver is in the public interest.

(c) PROGRAMMATIC REQUIREMENTS.—Not later than 6 months after the establishment of the bylaws of the Corporation pursuant to section 286 of this subtitle, the Assistant Secretary, in consultation with the Corporation, shall establish requirements relating to the grant program to be carried out under this section, including the following:

(1) Defining eligible costs for purposes of subsection (b)(1).

(2) Determining the scope of eligible activities for grant funding under this section.

(3) Prioritizing grants for activities that ensure coverage in rural as well as urban areas.

(d) CERTIFICATION AND DESIGNATION OF OFFICER OR GOVERNMENTAL BODY.—In carrying out the grant program established under this section, the Assistant Secretary shall require each State to certify in its application for grant funds that the State has designated a single officer or governmental body to serve as the coordinator of implementation of the grant funds.

SEC. 295. STATE AND LOCAL IMPLEMENTATION FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the ''State and Local Implementation Fund''.

(b) PURPOSE.—The Assistant Secretary shall establish and administer the grant program authorized under section 294 of this subtitle using funds deposited in the State and Local Implementation Fund.

(c) CREDITING OF RECEIPTS.—There shall be deposited into or credited to the State and Local Implementation Fund—

(1) any amounts specified in section 297; and

(2) any amounts borrowed by the Assistant Secretary under subsection (d).

(d) BORROWING AUTHORITY.—

(1) IN GENERAL.—The Assistant Secretary may borrow from the General Fund of the Treasury beginning on October 1, 2011, such sums as may be necessary, but not to exceed $100,000,000 to implement section 294.

(2) REIMBURSEMENT.—The Assistant Secretary shall reimburse the General Fund of the Treasury, with interest, for any amounts borrowed under subparagraph (1) as funds are deposited into the State and Local Implementation Fund.

SEC. 296. PUBLIC SAFETY WIRELESS COMMUNICATIONS RESEARCH AND DEVELOPMENT.

(a) NIST DIRECTED RESEARCH AND DEVELOPMENT PROGRAM.—From amounts made available from the Public Safety Trust Fund established under section 297, the Director of NIST, in consultation with the Commission, the Secretary of Homeland Security, and the National Institute of Justice of the Department of Justice, as appropriate, shall conduct research and assist with the development of standards, technologies, and applications to advance wireless public safety communications.

(b) REQUIRED ACTIVITIES.—In carrying out the requirement under subsection (a), the Director of NIST, in consultation with the Corporation and the public safety advisory committee established under section 286(b)(1), shall—

(1) document public safety wireless communications technical requirements;

(2) accelerate the development of the capability for communications between currently deployed public safety narrowband systems and the nationwide public safety interoperable broadband network to be established under this title;

(3) establish a research plan, and direct research, that addresses the wireless communications needs of public safety entities beyond what can be provided by the current generation of broadband technology;

(4) accelerate the development of mission critical voice, including device-to-device ''talkaround'' standards for broadband networks, if necessary and practical, public safety prioritization, authentication capabilities, as well as a standard application programing interfaces for the nationwide public safety interoperable broadband network to be established under this title, if necessary and practical;

(5) seek to develop technologies, standards, processes, and architectures that provide a significant improvement in network security, resiliency and trustworthiness; and

(6) convene working groups of relevant government and commercial parties to achieve the requirements in paragraphs (1) through (5).

(c) TRANSFER AUTHORITY.—If in the determination of the Director of NIST another Federal agency is better suited to carry out and oversee the research and development of any activity to be carried out in accordance with the requirements of this section, the Director may transfer any amounts provided under this section to such agency, including to the National Institute of Justice of the Department of Justice and the Department of Homeland Security.

SEC. 297. PUBLIC SAFETY TRUST FUND.

(a) ESTABLISHMENT OF PUBLIC SAFETY TRUST FUND.—

(1) IN GENERAL.—There is established in the Treasury of the United States a trust fund to be known as the ''Public Safety Trust Fund''.

(2) CREDITING OF RECEIPTS.—

(A) IN GENERAL.—There shall be deposited into or credited to the Public Safety Trust Fund the proceeds from the auction of spectrum carried out pursuant to—

(i) section 273 of this subtitle; and

(ii) section 309(j)(8)(F) of the Communications Act of 1934, as added by section 273 of this subtitle.

(B) AVAILABILITY.—Amounts deposited into or credited to the Public Safety Trust Fund in accordance with subparagraph (A) shall remain available until the end of fiscal year 2018. Upon the expiration of the period described in the prior sentence such amounts shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

(b) USE OF FUND.—Amounts deposited in the Public Safety Trust Fund shall be used in the following manner:

(1) PAYMENT OF AUCTION INCENTIVE.—

(A) REQUIRED DISBURSALS.—Amounts in the Public Safety Trust Fund shall be used to make any required disbursal of payments to licensees required pursuant to clause (i) and subclause (IV) of clause (ii) of section 309(j)(8)(F) of the Communications Act of 1934.

(B) NOTIFICATION TO CONGRESS.—

(i) IN GENERAL.—At least 3 months in advance of any incentive auction conducted pursuant to subparagraph (F) of section 309(j)(8) of the Communications Act of 1934, the Chairman of the Commission, in consultation with the Director of the Office of Management and Budget, shall notify the appropriate committees of Congress—

(I) of the methodology for calculating the disbursal of payments to certain licensees required pursuant to clause (i) and subclauses (III) and (IV) of clause of (ii) of such section;

(II) that such methodology considers the value of the spectrum voluntarily relinquished in its current use and the timeliness with which the licensee cleared its use of such spectrum; and

(III) of the estimated payments to be made from the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(ii) DEFINITION.—In this clause, the term ''appropriate committees of Congress'' means—

(I) the Committee on Commerce, Science, and Transportation of the Senate;

(II) the Committee on Appropriations of the Senate;

(III) the Committee on Energy and Commerce of the House of Representatives; and

(IV) the Committee on Appropriations of the House of Representatives.

(2) INCENTIVE AUCTION RELOCATION FUND.—Not more than $1,000,000,000 shall be deposited in the Incentive Auction Relocation Fund established under section 309(j)(8)(G) of the Communications Act of 1934.

(3) STATE AND LOCAL IMPLEMENTATION FUND.—$200,000,000 shall be deposited in the State and Local Implementation Fund established under section 294.

(4) PUBLIC SAFETY BROADBAND CORPORATION.—$6,450,000,000 shall be deposited with the Public Safety Broadband Corporation established under section 284, of which pursuant to its responsibilities and duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network. Funds deposited with the Public Safety Broadband Corporation shall be available after submission of a five-year budget by the Corporation and approval by the Secretary of Commerce, in consultation with the Secretary of Homeland Security, Director of the Office of Management and Budget and Attorney General of the United States.

(5) PUBLIC SAFETY RESEARCH AND DEVELOPMENT.—After approval by the Office of Management and Budget of a spend plan developed by the Director of NIST, a Wireless Innovation (WIN) Fund of up to $300,000,000 shall be made available for use by the Director of NIST to carry out the research program established under section 296 and be available until expended. If less than $300,000,000 is approved by the Office of Management and Budget, the remainder shall be transferred to the Public Safety Broadband Corporation established in section 284 and be available for duties set forth under section 288 to deploy and operate a nationwide public safety interoperable broadband network.

(6) DEFICIT REDUCTION.—Any amounts remaining after the deduction of the amounts required under paragraphs (1) through (5) shall be deposited in the General Fund of the Treasury, where such amounts shall be dedicated for the sole purpose of deficit reduction.

SEC. 298. FCC REPORT ON EFFICIENT USE OF PUBLIC SAFETY SPECTRUM.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this subtitle and every 2 years thereafter, the Commission shall, in consultation with the Assistant Secretary and the Director of NIST, conduct a study and submit to the appropriate committees of Congress a report on the spectrum allocated for public safety use.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) an examination of how such spectrum is being used;

(2) recommendations on how such spectrum may be used more efficiently;

(3) an assessment of the feasibility of public safety entities relocating from other bands to the public safety broadband spectrum; and

(4) an assessment of whether any spectrum made available by the relocation described in paragraph (3) could be returned to the Commission for reassignment through auction, including through use of incentive auction authority under subparagraph (G) of section 309(j)(8) of the Communications Act of 1934 (47 U.S.C. 309(j)(8)), as added by section 273(a).

SEC. 299. PUBLIC SAFETY ROAMING AND PRIORITY ACCESS.

The Commission may adopt rules, if necessary in the public interest, to improve the ability of public safety users to roam onto commercial networks and to gain priority access to commercial networks in an emergency if—

(1) the public safety entity equipment is technically compatible with the commercial network;

(2) the commercial network is reasonably compensated; and

(3) such access does not preempt or otherwise terminate or degrade all existing voice conversations or data sessions.

TITLE III—ASSISTANCE FOR THE UNEMPLOYED AND PATHWAYS BACK TO WORK

Subtitle A—Supporting Unemployed Workers

SEC. 301. SHORT TITLE.

This subtitle may be cited as the ''Supporting Unemployed Workers Act of 2011''.

PART I—EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION AND CERTAIN EXTENDED BENEFITS PROVISIONS, AND ESTABLISHMENT OF SELF-EMPLOYMENT ASSISTANCE PROGRAM

SEC. 311. EXTENSION OF EMERGENCY UNEMPLOYMENT COMPENSATION PROGRAM.

(a) IN GENERAL.—Section 4007 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(1) by striking ''January 3, 2012'' each place it appears and inserting ''January 3, 2013'';

(2) in the heading for subsection (b)(2), by striking ''January 3, 2012'' and inserting ''January 3, 2013''; and

(3) in subsection (b)(3), by striking ''June 9, 2012'' and inserting ''June 8, 2013''.

(b) FUNDING.—Section 4004(e)(1) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(1) in subparagraph (F), by striking ''and'' at the end; and

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

''(H) the amendments made by section 101 of the Supporting Unemployed Workers Act of 2011; and''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 312. TEMPORARY EXTENSION OF EXTENDED BENEFIT PROVISIONS.

(a) IN GENERAL.—Section 2005 of the Assistance for Unemployed Workers and Struggling Families Act, as contained in Public Law 111–5 (26 U.S.C. 3304 note), is amended—

(1) by striking ''January 4, 2012'' each place it appears and inserting ''January 4, 2013'';

(2) in the heading for subsection (b)(2), by striking ''JANUARY 4, 2012'' and inserting ''JANUARY 4, 2013''; and

(3) in subsection (c), by striking ''June 11, 2012'' and inserting ''June 11, 2013''.

(b) EXTENSION OF MATCHING FOR STATES WITH NO WAITING WEEK.—Section 5 of the Unemployment Compensation Extension Act of 2008 (Public Law 110–449; 26 U.S.C. 3304 note) is amended by striking ''June 10, 2012'' and inserting ''June 9, 2013''.

(c) EXTENSION OF MODIFICATION OF INDICATORS UNDER THE EXTENDED BENEFIT PROGRAM.—Section 502 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 (Public Law 111–312; 26 U.S.C. 3304 note) is amended—

(1) in subsection (a) by striking ''December 31, 2011'' and inserting ''December 31, 2012''; and

(2) in subsection (b)(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Unemployment Compensation Extension Act of 2010 (Public Law 111–205).

SEC. 313. REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.

(a) IN GENERAL.—

(1) PROVISION OF SERVICES AND ACTIVITIES.—Section 4001 of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note), is amended by inserting the following new subsection (h):

''(h) IN GENERAL.—

''(1) REQUIRED PROVISION OF SERVICES AND ACTIVITIES.—An agreement under this section shall require that the State provide reemployment services and reemployment and eligibility assessment activities to each individual receiving emergency unemployment compensation who, on or after the date that is 30 days after the date of enactment of the Supporting Unemployed Workers Act of 2011, establishes an account under section 4002(b), commences receiving the amounts described in section 4002(c), commences receiving the amounts described in section 4002(d), or commences receiving the amounts described in subsection 4002(e), whichever occurs first. Such services and activities shall be provided by the staff of the State agency responsible for administration of the State unemployment compensation law or the Wagner-Peyser Act from funds available pursuant to section 4004(c)(2) and may also be provided from funds available under the Wagner-Peyser Act.

''(2) DESCRIPTION OF SERVICES AND ACTIVITIES.—The reemployment services and in-person reemployment and eligibility assessment activities provided to individuals receiving emergency unemployment compensation described in paragraph (1)—

''(A) shall include—

''(i) the provision of labor market and career information;

''(ii) an assessment of the skills of the individual;

''(iii) orientation to the services available through the One-Stop centers established under title I of the Workforce Investment Act of 1998;

''(iv) job search counseling and the development or review of an individual reemployment plan that includes participation in job search activities and appropriate workshops and may include referrals to appropriate training services; and

''(v) review of the eligibility of the individual for emergency unemployment compensation relating to the job search activities of the individual; and

''(B) may include the provision of—

''(i) comprehensive and specialized assessments;

''(ii) individual and group career counseling; and

''(iii) additional reemployment services.

''(3) PARTICIPATION REQUIREMENT.—As a condition of continuing eligibility for emergency unemployment compensation for any week, an individual who has been referred to reemployment services or reemployment and eligibility assessment activities under this subsection shall participate, or shall have completed participation in, such services or activities, unless the State agency responsible for the administration of State unemployment compensation law determines that there is justifiable cause for failure to participate or complete such services or activities, as defined in guidance to be issued by the Secretary of Labor.''.

(2) ISSUANCE OF GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary shall issue guidance on the implementation of the reemployment services and reemployment and eligibility

assessments activities required to be provided under the amendments made by paragraph (1).

(b) FUNDING.—

(1) IN GENERAL.—Section 4004(c) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) by striking ''There'' and inserting ''(1) ADMINISTRATION.—There''; and

(B) by inserting the following new paragraph:

''(2) REEMPLOYMENT SERVICES AND REEMPLOYMENT AND ELIGIBILITY ASSESSMENT ACTIVITIES.—

''(A) APPROPRIATION.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, out of the employment security administration account as established by section 901(a) of the Social Security Act, such sums as determined by the Secretary of Labor in accordance with subparagraph (B) to assist States in providing reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2).

''(B) DETERMINATION OF TOTAL AMOUNT.—The amount referred to in subparagraph (A) is the amount the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2) in all States through the date specified in section 4007(b)(3), multiplied by

''(ii) $200.

''(C) DISTRIBUTION AMONG STATES.—Of the amounts appropriated under subparagraph (A), the Secretary of Labor shall distribute amounts to each State, in accordance with section 4003(c), that the Secretary estimates is equal to—

''(i) the number of individuals who will receive reemployment services and reemployment and eligibility assessment activities described in section 4001(h)(2) in such State through the date specified in section 4007(b)(3), multiplied by

''(ii) $200.''.

(2) TRANSFER OF FUNDS.—Section 4004(e) of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), is amended—

(A) in paragraph (2), by striking the period and inserting ''; and''; and

(B) by inserting the following paragraph (3):

''(3) to the Employment Ssecurity Administration account (as established by section 901(a) of the Social Security Act) such sums as the Secretary of Labor determines to be necessary in accordance with subsection (c)(2) to assist States in providing reemployment services and reemployment eligibility and assessment activities described in section 4001(h)(2).''.

SEC. 314. FEDERAL-STATE AGREEMENTS TO ADMINISTER A SELF-EMPLOYMENT ASSISTANCE PROGRAM.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 313, is further amended by inserting a new subsection (i) as follows:

''(i) AUTHORITY TO CONDUCT SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(1) IN GENERAL.—

''(A) ESTABLISHMENT.—Any agreement under subsection (a) may provide that the State agency of the State shall establish a self-employment assistance program described in paragraph (2), to provide for the payment of emergency unemployment compensation as self-employment assistance allowances to individuals who meet the eligibility criteria specified in subsection (b).

''(B) PAYMENT OF ALLOWANCES.—The self-employment assistance allowance described in subparagraph (A) shall be paid for up to 26 weeks to an eligible individual from such individual's emergency unemployment compensation account described in section 4002, and the amount in such account shall be reduced accordingly.

''(2) DEFINITION OF 'SELF-EMPLOYMENT ASSISTANCE PROGRAM'.—For the purposes of this title, the term 'self-employment assistance program' means a program as defined under section 3306(t) of the Internal Revenue Code of 1986 (26 U.S.C. 3306(t)), except as follows:

''(A) all references to 'regular unemployment compensation under the State law' shall be deemed to refer instead to 'emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note)';

''(B) paragraph (3)(B) shall not apply;

''(C) clause (i) of paragraph (3)(C) shall be deemed to state as follows:

'' '(i) include any entrepreneurial training that the State may provide in coordination with programs of training offered by the Small Business Administration, which may include business counseling, mentorship for participants, access to small business development resources, and technical assistance; and';

''(D) the reference to '5 percent' in paragraph (4) shall be deemed to refer instead to '1 percent'; and

''(E) paragraph (5) shall not apply.

''(3) AVAILABILITY OF SELF-EMPLOYMENT ASSISTANCE ALLOWANCES.—In the case of an individual who has received any emergency unemployment compensation payment under this title, such individual shall not receive self-employment assistance allowances under this subsection unless the State agency has a reasonable expectation that such individual will be entitled to at least 26 times the individual's average weekly benefit amount of emergency unemployment compensation.

''(4) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN SELF-EMPLOYMENT ASSISTANCE PROGRAM.—

''(A) TERMINATION.—An individual who is participating in a State's self-employment assistance program may opt to discontinue participation in such program.

''(B) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual whose participation in the self-employment assistance program is terminated as described in paragraph (1) or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under this title, shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.''.

SEC. 315. CONFORMING AMENDMENT ON PAYMENT OF BRIDGE TO WORK WAGES.

Section 4001 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as amended by section 103, is further amended by inserting a new subsection (j) as follows:

''(j) AUTHORIZATION TO PAY WAGES FOR PURPOSES OF A BRIDGE TO WORK PROGRAM.—Any State that establishes a Bridge to Work program under section 204 of the Supporting Unemployed Workers Act of 2011 is authorized to deduct from an emergency unemployment compensation account established for such individual under section 4002 such sums as may be necessary to pay wages for such individual as authorized under section 204(b)(1) of such Act.''.

SEC. 316. ADDITIONAL EXTENDED UNEMPLOYMENT BENEFITS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT.

(a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Railroad Unemployment Insurance Act, as added by section 2006 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5) and as amended by section 9 of the Worker, Homeownership, and Business Assistance Act of 2009 (Public Law 111–92), is amended—

(1) by striking ''June 30, 2011'' and inserting ''June 30, 2012''; and

(2) by striking ''December 31, 2011'' and inserting ''December 31, 2012''.

(b) CLARIFICATION ON AUTHORITY TO USE FUNDS.—Funds appropriated under either the first or second sentence of clause (iv) of section 2(c)(2)(D) of the Railroad Unemployment Insurance Act shall be available to cover the cost of additional extended unemployment benefits provided under such section 2(c)(2)(D) by reason of the amendments made by subsection (a) as well as to cover the cost of such benefits provided under such section 2(c)(2)(D), as in effect on the day before the date of the enactment of this Act.

PART II—REEMPLOYMENT NOW PROGRAM

SEC. 321. ESTABLISHMENT OF REEMPLOYMENT NOW PROGRAM.

(a) IN GENERAL.—There is hereby established the Reemployment NOW program to be carried out by the Secretary of Labor in accordance with this part in order to facilitate the reemployment of individuals who are receiving emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note) (hereafter in this part referred to as ''EUC claimants'').

(b) AUTHORIZATION AND APPROPRIATION.—There are authorized to be appropriated and appropriated from the general fund of the Treasury for fiscal year 2012 $4,000,000,000 to carry out the Reemployment NOW program under this part.

SEC. 322. DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—Of the funds appropriated under section 321(b) to carry out this part, the Secretary of Labor shall—

(1) reserve up to 1 percent for the costs of Federal administration and for carrying out rigorous evaluations of the activities conducted under this part; and

(2) allot the remainder of the funds not reserved under paragraph (1) in accordance with the requirements of subsection (b) and (c) to States that have approved plans under section 323.

(b) ALLOTMENT FORMULA.—

(1) FORMULA FACTORS.—The Secretary of Labor shall allot the funds available under subsection (a)(2) as follows:

(A) two-thirds of such funds shall be allotted on the basis of the relative number of unemployed individuals in each State, compared to the total number of unemployed individuals in all States; and

(B) one-third of such funds shall be allotted on the basis of the relative number of individuals in each State who have been unemployed for 27 weeks or more, compared to the total number of individuals in all States who have been unemployed for 27 weeks or more.

(2) CALCULATION.—For purposes of paragraph (1), the number of unemployed individuals and the number of individuals unemployed for 27 weeks or more shall be based on the data for the most recent 12-month period, as determined by the Secretary.

(c) REALLOTMENT.—

(1) FAILURE TO SUBMIT STATE PLAN.—If a State does not submit a State plan by the

time specified in section 323(b), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under subsection (b) shall be allotted to States that receive approval of the State plan under section 323 in accordance with the relative allotments of such States as determined by the Secretary under subsection (b).

(2) FAILURE TO IMPLEMENT ACTIVITIES ON A TIMELY BASIS.—The Secretary of Labor may, in accordance with procedures and criteria established by the Secretary, recapture the portion of the State allotment under this part that remains unobligated if the Secretary determines such funds are not being obligated at a rate sufficient to meet the purposes of this part. The Secretary shall reallot such recaptured funds to other States that are not subject to recapture in accordance with the relative share of the allotments of such States as determined by the Secretary under subsection (b).

(3) RECAPTURE OF FUNDS.—Funds recaptured under paragraph (2) shall be available for reobligation not later than December 31, 2012.

SEC. 323. STATE PLAN.

(a) IN GENERAL.—For a State to be eligible to receive an allotment under section 322, a State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require, which at a minimum shall include—

(1) a description of the activities to be carried out by the State to assist in the reemployment of eligible individuals to be served in accordance with this part, including which of the activities authorized in sections 324–328 the State intends to carry out and an estimate of the amounts the State intends to allocate to the activities, respectively;

(2) a description of the performance outcomes to be achieved by the State through the activities carried out under this part, including the employment outcomes to be achieved by participants and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes;

(3) a description of coordination of activities to be carried out under this part with activities under title I of the Workforce Investment Act of 1998, the Wagner-Peyser Act, and other appropriate Federal programs;

(4) the timelines for implementation of the activities described in the plan and the number of EUC claimants expected to be enrolled in such activities by quarter;

(5) assurances that the State will participate in the evaluation activities carried out by the Secretary of Labor under this section;

(6) assurances that the State will provide appropriate reemployment services, including counseling, to any EUC claimant who participates in any of the programs authorized under this part; and

(7) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters, including employment outcomes and effects, which the Secretary determines are necessary to effectively monitor the activities carried out under this part.

(b) PLAN SUBMISSION AND APPROVAL.—A State plan under this section shall be submitted to the Secretary of Labor for approval not later than 30 days after the Secretary issues guidance relating to submission of such plan. The Secretary shall approve such plans if the Secretary determines that the plans meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

(c) PLAN MODIFICATIONS.—A State may submit modifications to a State plan that has been approved under this part, and the Secretary of Labor may approve such modifications, if the plan as modified would meet the requirements of this part and are appropriate and adequate to carry out the purposes of this part.

SEC. 324. BRIDGE TO WORK PROGRAM.

(a) IN GENERAL.—A State may use funds allotted to the State under this part to establish and administer a Bridge to Work program described in this section.

(b) DESCRIPTION OF PROGRAM.—In order to increase individuals' opportunities to move to permanent employment, a State may establish a Bridge to Work program to provide an EUC claimant with short-term work experience placements with an eligible employer, during which time such individual—

(1) shall be paid emergency unemployment compensation payable under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), as wages for work performed, and as specified in subsection (c);

(2) shall be paid the additional amount described in subsection (e) as augmented wages for work performed; and

(3) may be paid compensation in addition to the amounts described in paragraphs (1) and (2) by a State or by a participating employer as wages for work performed.

(c) PROGRAM ELIGIBILITY AND OTHER REQUIREMENTS.—For purposes of this program—

(1) individuals who, except for the requirements described in paragraph (3), are eligible to receive emergency unemployment compensation payments under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and who choose to participate in the program described in subsection (b), shall receive such payments as wages for work performed during their voluntary participation in the program described under subsection (b);

(2) the wages payable to individuals described in paragraph (1) shall be paid from the emergency unemployment compensation account for such individual as described in section 4002 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), and the amount in such individual's account shall be reduced accordingly;

(3) the wages payable to an individual described in paragraph (1) shall be payable in the same amount, at the same interval, on the same terms, and subject to the same conditions under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), except that—

(A) State requirements applied under such Act relating to availability for work and active search for work are not applicable to such individuals who participate for at least 25 hours per week in the program described in subsection (b) for the duration of such individual's participation in the program;

(B) State requirements applied under such act relating to disqualifying income regarding wages earned shall not apply to such individuals who participate for at least 25 hours per week in the program described in subsection (b), and shall not apply with respect to—

(i) the wages described under subsection (b); and

(ii) any wages, in addition to those described under subsection (b), whether paid by a State or a participating employer for the same work activities;

(C) State prohibitions or limitations applied under such Act relating to employment status shall not apply to such individuals who participate in the program described in subsection (b); and

(D) State requirements applied under such Act relating to an individual's acceptance of an offer of employment shall not apply with regard to an offer of long-term employment from a participating employer made to such individual who is participating in the program described in subsection (b) in a work experience provided by such employer, where such long-term employment is expected to commence or commences at the conclusion of the duration specified in paragraph (4)(A);

(4) the program shall be structured so that individuals described in paragraph (1) may participate in the program for up to—

(A) 8 weeks, and

(B) 38 hours for each such week;

(5) a State shall ensure that all individuals participating in the program are covered by a workers' compensation insurance program; and

(6) the program meets such other requirements as the Secretary of Labor determines to be appropriate in guidance issued by the Secretary.

(d) STATE REQUIREMENTS.—

(1) CERTIFICATION OF ELIGIBLE EMPLOYER.—A State may certify as eligible for participation in the program under this section any employer that meets the eligibility criteria as established in guidance by the Secretary of Labor, except that an employer shall not be certified as eligible for participation in the program described under subsection (b)—

(A) if such employer—

(i) is a Federal, State, or local government entity;

(ii) would engage an eligible individual in work activities under any employer's grant, contract, or subcontract with a Federal, State, or local government entity, except with regard to work activities under any employer's supply contract or subcontract;

(iii) is delinquent with respect to any taxes or employer contributions described under sections 3301 and 3303(a)(1) of the Internal Revenue Code of 1986 or with respect to any related reporting requirements;

(iv) is engaged in the business of supplying workers to other employers and would participate in the program for the purpose of supplying individuals participating in the program to other employers; or

(v) has previously participated in the program and the State has determined that such employer has failed to abide by any of the requirements specified in subsections (h), (i), or (j), or by any other requirements that the Secretary may establish for employers under subsection (c)(6); and

(B) unless such employer provides assurances that it has not displaced existing workers pursuant to the requirements of subsection (h).

(2) AUTHORIZED ACTIVITIES.—Funds allotted to a State under this part for the program—

(A) shall be used to—

(i) recruit employers for participation in the program;

(ii) review and certify employers identified by eligible individuals seeking to participate in the program;

(iii) ensure that reemployment and counseling services are available for program participants, including services describing the program under subsection (b), prior to an individual's participation in such program;

(iv) establish and implement processes to monitor the progress and performance of individual participants for the duration of the program;

(v) prevent misuse of the program; and

(vi) pay augmented wages to eligible individuals, if necessary, as described in subsection (e); and

(B) may be used—

(i) to pay workers' compensation insurance premiums to cover all individuals participating in the program, except that, if a State opts not to make such payments directly to a State administered workers' compensation

program, the State involved shall describe in the approved State plan the means by which such State shall ensure workers' compensation or equivalent coverage for all individuals who participate in the program;

(ii) to pay compensation to a participating individual that is in addition to the amounts described in subsections (c)(1) and (e) as wages for work performed;

(iii) to provide supportive services, such as transportation, child care, and dependent care, that would enable individuals to participate in the program;

(iv) for the administration and oversight of the program; and

(v) to fulfill additional program requirements included in the approved State plan.

(e) PAYMENT OF AUGMENTED WAGES IF NECESSARY.—In the event that the wages described in subsection (c)(1) are not sufficient to equal or exceed the minimum wages that are required to be paid by an employer under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the applicable State or local minimum wage law, whichever is higher, a State shall pay augmented wages to a program participant in any amount necessary to cover the difference between—

(1) such minimum wages amount; and

(2) the wages payable under subsection (c)(1).

(f) EFFECT OF WAGES ON ELIGIBILITY FOR OTHER PROGRAMS.—None of the wages paid under this section shall be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need.

(g) EFFECT OF WAGES, WORK ACTIVITIES, AND PROGRAM PARTICIPATION ON CONTINUING ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—Any wages paid under this section and any additional wages paid by an employer to an individual described in subsection (c)(1), and any work activities performed by such individual as a participant in the program, shall not be construed so as to render such individual ineligible to receive emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note).

(h) NONDISPLACEMENT OF EMPLOYEES.—

(1) PROHIBITION.—An employer shall not use a program participant to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any current employee (as of the date of the participation).

(2) OTHER PROHIBITIONS.—An employer shall not permit a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent position;

(B) the employer has terminated the employment of any employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation).

(i) PROHIBITION ON IMPAIRMENT OF CONTRACTS.—An employer shall not, by means of assigning work activities under this section, impair an existing contract for services or a collective bargaining agreement, and no such activity that would be inconsistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization that is signatory to the collective bargaining agreement.

(j) LIMITATION ON EMPLOYER PARTICIPATION.—If, after 24 weeks of participation in the program, an employer has not made an offer of suitable long-term employment to any individual described under subsection (c)(1) who was placed with such employer and has completed the program, a State shall bar such employer from further participation in the program. States may impose additional conditions on participating employers to ensure that an appropriate number of participants receive offers of suitable long term employment.

(k) FAILURE TO MEET PROGRAM REQUIREMENTS.—If a State makes a determination based on information provided to the State, or acquired by the State by means of its administration and oversight functions, that a participating employer under this section has violated a requirement of this section, the State shall bar such employer from further participation in the program. The State shall establish a process whereby an individual described in subsection (c)(1), or any other affected individual or entity, may file a complaint with the State relating to a violation of any requirement or prohibition under this section.

(l) PARTICIPANT OPTION TO TERMINATE PARTICIPATION IN BRIDGE TO WORK PROGRAM.—

(1) TERMINATION.—An individual who is participating in a program described in subsection (b) may opt to discontinue participation in such program.

(2) CONTINUED ELIGIBILITY FOR EMERGENCY UNEMPLOYMENT COMPENSATION.—An individual who opts to discontinue participation in such program, is terminated from such program by a participating employer, or who has completed participation in such program, and who continues to meet the eligibility requirements for emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 26 U.S.C. 3304 note), shall receive emergency unemployment compensation payments with respect to subsequent weeks of unemployment, to the extent that amounts remain in the account established for such individual under section 4002(b) of such Act or to the extent that such individual commences receiving the amounts described in subsections (c), (d), or (e) of such section, respectively.

(m) EFFECT OF OTHER LAWS.—Unless otherwise provided in this section, nothing in this section shall be construed to alter or affect the rights or obligations under any Federal, State, or local laws with respect to any individual described in subsection (c)(1) and with respect to any participating employer under this section.

(n) TREATMENT OF PAYMENTS.—All wages or other payments to an individual under this section shall be treated as payments of unemployment insurance for purposes of section 209 of the Social Security Act (42 U.S.C. 409) and for purposes of subtitle A and sections 3101 and 3111 of the Internal Revenue Code of 1986.

SEC. 325. WAGE INSURANCE.

(a) IN GENERAL.—A State may use the funds allotted to the State under this part to provide a wage insurance program for EUC claimants.

(b) BENEFITS.—The wage insurance program provided under this section may use funds allotted to the State under this part to pay, for a period not to exceed 2 years, to a worker described in subsection (c), up to 50 percent of the difference between—

(1) the wages received by the worker at the time of separation; and

(2) the wages received by the worker for reemployment.

(c) INDIVIDUAL ELIGIBILITY.—The benefits described in subsection (b) may be paid to an individual who is an EUC claimant at the time such individual obtains reemployment and who—

(1) is at least 50 years of age;

(2) earns not more than $50,000 per year in wages from reemployment;

(3) is employed on a full-time basis as defined by the law of the State; and

(4) is not employed by the employer from which the individual was last separated.

(d) TOTAL AMOUNT OF PAYMENTS.—A State shall establish a maximum amount of payments per individual for purposes of payments described in subsection (b) during the eligibility period described in such subsection.

(e) NON-DISCRIMINATION REGARDING WAGES.—An employer shall not pay a worker described in subsection (c) less than such employer pays to a regular worker in the same or substantially equivalent position.

SEC. 326. ENHANCED REEMPLOYMENT STRATEGIES.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program of enhanced reemployment services to EUC claimants. In addition to the provision of services to such claimants, the program may include the provision of reemployment services to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note). The program shall provide reemployment services that are more intensive than the reemployment services provided by the State prior to the receipt of the allotment under this part.

(b) TYPES OF SERVICES.—The enhanced reemployment services described in subsection (a) may include services such as—

(1) assessments, counseling, and other intensive services that are provided by staff on a one-to-one basis and may be customized to meet the reemployment needs of EUC claimants and individuals described in subsection (a);

(2) comprehensive assessments designed to identify alternative career paths;

(3) case management;

(4) reemployment services that are provided more frequently and more intensively than such reemployment services have previously been provided by the State; and

(5) services that are designed to enhance communication skills, interviewing skills, and other skills that would assist in obtaining reemployment.

SEC. 327. SELF-EMPLOYMENT PROGRAMS.

A State may use funds allotted to the State under this part, in an amount specified under an approved State plan, for the administrative costs associated with starting up the self-employment assistance program described in section 4001(i) of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note).

SEC. 328. ADDITIONAL INNOVATIVE PROGRAMS.

(a) IN GENERAL.—A State may use funds allotted under this part to provide a program for innovative activities, which use a strategy that is different from the reemployment strategies described in sections 324–327 and which are designed to facilitate the reemployment of EUC claimants. In addition to the provision of activities to such claimants, the program may include the provision of activities to individuals who are unemployed and have exhausted their rights to emergency unemployment compensation under title IV of the Supplemental Appropriations Act, 2008, (Public Law 110–252; 26 U.S.C. 3304 note).

(b) CONDITIONS.—The innovative activities approved in accordance with subsection (a)—

(1) shall directly benefit EUC claimants and, if applicable, individuals described in subsection (a), either as a benefit paid to such claimant or individual or as a service provided to such claimant or individual;

(2) shall not result in a reduction in the duration or amount of, emergency unemployment compensation for which EUC claimants would otherwise be eligible;

(3) shall not include a reduction in the duration, amount of or eligibility for regular compensation or extended benefits;

(4) shall not be used to displace (including a partial displacement, such as a reduction in the hours of non-overtime work, wages, or employment benefits) any currently employed employee (as of the date of the participation) or allow a program participant to perform work activities related to any job for which—

(A) any other individual is on layoff from the same or any substantially equivalent job;

(B) the employer has terminated the employment of any regular employee or otherwise reduced the workforce of the employer with the intention of filling or partially filling the vacancy so created with the work activities to be performed by a program participant;

(C) there is a strike or lock out at the worksite that is the participant's place of employment; or

(D) the job is created in a manner that will infringe in any way upon the promotional opportunities of currently employed individuals (as of the date of the participation);

(5) shall not be in violation of any Federal, State, or local law.

SEC. 329. GUIDANCE AND ADDITIONAL REQUIREMENTS.

The Secretary of Labor may establish through guidance, without regard to the requirements of section 553 of title 5, United States Code, such additional requirements, including requirements regarding the allotment, recapture, and reallotment of funds, and reporting requirements, as the Secretary determines to be necessary to ensure fiscal integrity, effective monitoring, and appropriate and prompt implementation of the activities under this Act.

SEC. 330. REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.

The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to section 329 and the evaluations of activities carried out pursuant to the funds reserved under section 322(a)(1).

SEC. 331. STATE.

For purposes of this part, the term ''State'' has the meaning given that term in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

PART III—SHORT-TIME COMPENSATION PROGRAM

SEC. 341. TREATMENT OF SHORT-TIME COMPENSATION PROGRAMS.

(a) DEFINITION.—

(1) IN GENERAL.—Section 3306 of the Internal Revenue Code of 1986 (26 U.S.C. 3306) is amended by adding at the end the following new subsection:

''(v) SHORT-TIME COMPENSATION PROGRAM.—For purposes of this chapter, the term 'short-time compensation program' means a program under which—

''(1) the participation of an employer is voluntary;

''(2) an employer reduces the number of hours worked by employees in lieu of layoffs;

''(3) such employees whose workweeks have been reduced by at least 10 percent, and by not more than the percentage, if any, that is determined by the State to be appropriate (but in no case more than 60 percent), are eligible for unemployment compensation;

''(4) the amount of unemployment compensation payable to any such employee is a pro rata portion of the unemployment compensation which would otherwise be payable to the employee if such employee were totally unemployed from the participating employer;

''(5) such employees meet the availability for work and work search test requirements while collecting short-time compensation benefits, by being available for their workweek as required by their participation in the short-time compensation program;

''(6) eligible employees may participate, as appropriate, in training (including employer-sponsored training or worker training funded under the Workforce Investment Act of 1998) to enhance job skills if such program has been approved by the State agency;

''(7) the State agency shall require employers to certify that if the employer provides health benefits and retirement benefits under a defined benefit plan (as defined in section 414(j)) or contributions under a defined contribution plan (as defined in section 414(i)) to any employee whose workweek is reduced under the program that such benefits will continue to be provided to employees participating in the short-time compensation program under the same terms and conditions as though the workweek of such employee had not been reduced or to the same extent as other employees not participating in the short-time compensation program, subject to other requirements in this section;

''(8) the State agency shall require an employer to submit a written plan describing the manner in which the requirements of this subsection will be implemented (including a plan for giving advance notice, where feasible, to an employee whose workweek is to be reduced) together with an estimate of the number of layoffs that would have occurred absent the ability to participate in short-time compensation and such other information as the Secretary of Labor determines is appropriate;

''(9) in the case of employees represented by a union as the sole and exclusive representative, the appropriate official of the union has agreed to the terms of the employer's written plan and implementation is consistent with employer obligations under the applicable Federal laws; and

''(10) upon request by the State and approval by the Secretary of Labor, only such other provisions are included in the State law that are determined to be appropriate for purposes of a short-time compensation program.''.

(2) EFFECTIVE DATE.—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(3) TRANSITION PERIOD FOR EXISTING PROGRAMS.—In the case of a State that is administering a short-time compensation program as of the date of the enactment of this Act and the State law cannot be administered consistent with the amendment made by paragraph (1), such amendment shall take effect on the earlier of—

(A) the date the State changes its State law in order to be consistent with such amendment; or

(B) the date that is 2 years and 6 months after the date of the enactment of this Act.

(b) CONFORMING AMENDMENTS.—

(1) INTERNAL REVENUE CODE OF 1986.—

(A) Subparagraph (E) of section 3304(a)(4) of the Internal Revenue Code of 1986 is amended to read as follows:

''(E) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined under section 3306(v));''.

(B) Subsection (f) of section 3306 of the Internal Revenue Code of 1986 is amended—

(i) by striking paragraph (5) (relating to short-time compensation) and inserting the following new paragraph:

''(5) amounts may be withdrawn for the payment of short-time compensation under a short-time compensation program (as defined in subsection (v)); and''; and

(ii) by redesignating paragraph (5) (relating to self-employment assistance program) as paragraph (6).

(2) SOCIAL SECURITY ACT.—Section 303(a)(5) of the Social Security Act is amended by striking ''the payment of short-time compensation under a plan approved by the Secretary of Labor'' and inserting ''the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986)''.

(3) UNEMPLOYMENT COMPENSATION AMENDMENTS OF 1992.—Subsections (b) through (d) of section 401 of the Unemployment Compensation Amendments of 1992 (26 U.S.C. 3304 note) are repealed.

SEC. 342. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION PAYMENTS IN STATES WITH PROGRAMS IN LAW.

(a) PAYMENTS TO STATES.—

(1) IN GENERAL.—Subject to paragraph (3), there shall be paid to a State an amount equal to 100 percent of the amount of short-time compensation paid under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)) under the provisions of the State law.

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) LIMITATIONS ON PAYMENTS.—

(A) GENERAL PAYMENT LIMITATIONS.—No payments shall be made to a State under this section for short-time compensation paid to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—No payments shall be made to a State under this section for benefits paid to an individual by the State under a short-time compensation program if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(b) APPLICABILITY.—

(1) IN GENERAL.—Payments to a State under subsection (a) shall be available for weeks of unemployment—

(A) beginning on or after the date of the enactment of this Act; and

(B) ending on or before the date that is 3 years and 6 months after the date of the enactment of this Act.

(2) THREE-YEAR FUNDING LIMITATION FOR COMBINED PAYMENTS UNDER THIS SECTION AND SECTION 343.—States may receive payments under this section and section 343 with respect to a total of not more than 156 weeks.

(c) TWO-YEAR TRANSITION PERIOD FOR EXISTING PROGRAMS.—During any period that the transition provision under section 341(a)(3) is applicable to a State with respect to a short-time compensation program, such State shall be eligible for payments under this section. Subject to paragraphs (1)(B) and (2) of subsection (b), if at any point after the date of the enactment of this Act the State enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State shall be eligible for payments under this section after the effective date of such enactment.

(d) FUNDING AND CERTIFICATIONS.—

(1) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(2) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(e) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 343. TEMPORARY FINANCING OF SHORT-TIME COMPENSATION AGREEMENTS.

(a) FEDERAL-STATE AGREEMENTS.—

(1) IN GENERAL.—Any State which desires to do so may enter into, and participate in, an agreement under this section with the Secretary provided that such State's law does not provide for the payment of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(2) ABILITY TO TERMINATE.—Any State which is a party to an agreement under this section may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

(1) IN GENERAL.—Any agreement under this section shall provide that the State agency of the State will make payments of short-time compensation under a plan approved by the State. Such plan shall provide that payments are made in accordance with the requirements under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(2) LIMITATIONS ON PLANS.—

(A) GENERAL PAYMENT LIMITATIONS.—A short-time compensation plan approved by a State shall not permit the payment of short-time compensation to an individual by the State during a benefit year in excess of 26 times the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for a week of total unemployment.

(B) EMPLOYER LIMITATIONS.—A short-time compensation plan approved by a State shall not provide payments to an individual if such individual is employed by the participating employer on a seasonal, temporary, or intermittent basis.

(3) EMPLOYER PAYMENT OF COSTS.—Any short-time compensation plan entered into by an employer must provide that the employer will pay the State an amount equal to one-half of the amount of short-time compensation paid under such plan. Such amount shall be deposited in the State's unemployment fund and shall not be used for purposes of calculating an employer's contribution rate under section 3303(a)(1) of the Internal Revenue Code of 1986.

(c) PAYMENTS TO STATES.—

(1) IN GENERAL.—There shall be paid to each State with an agreement under this section an amount equal to—

(A) one-half of the amount of short-time compensation paid to individuals by the State pursuant to such agreement; and

(B) any additional administrative expenses incurred by the State by reason of such agreement (as determined by the Secretary).

(2) TERMS OF PAYMENTS.—Payments made to a State under paragraph (1) shall be payable by way of reimbursement in such amounts as the Secretary estimates the State will be entitled to receive under this section for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(3) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, such sums as may be necessary for purposes of carrying out this section.

(4) CERTIFICATIONS.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this section.

(d) APPLICABILITY.—

(1) IN GENERAL.—An agreement entered into under this section shall apply to weeks of unemployment—

(A) beginning on or after the date on which such agreement is entered into; and

(B) ending on or before the date that is 2 years and 13 weeks after the date of the enactment of this Act.

(2) TWO-YEAR FUNDING LIMITATION.—States may receive payments under this section with respect to a total of not more than 104 weeks.

(e) SPECIAL RULE.—If a State has entered into an agreement under this section and subsequently enacts a State law providing for the payment of short-time compensation under a short-time compensation program that meets the definition of such a program under section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a), the State—

(1) shall not be eligible for payments under this section for weeks of unemployment beginning after the effective date of such State law; and

(2) subject to paragraphs (1)(B) and (2) of section 342(b), shall be eligible to receive payments under section 342 after the effective date of such State law.

(f) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 344. GRANTS FOR SHORT-TIME COMPENSATION PROGRAMS.

(a) GRANTS.—

(1) FOR IMPLEMENTATION OR IMPROVED ADMINISTRATION.—The Secretary shall award grants to States that enact short-time compensation programs (as defined in subsection (i)(2)) for the purpose of implementation or improved administration of such programs.

(2) FOR PROMOTION AND ENROLLMENT.—The Secretary shall award grants to States that are eligible and submit plans for a grant under paragraph (1) for such States to promote and enroll employers in short-time compensation programs (as so defined).

(3) ELIGIBILITY.—

(A) IN GENERAL.—The Secretary shall determine eligibility criteria for the grants under paragraphs (1) and (2).

(B) CLARIFICATION.—A State administering a short-time compensation program, including a program being administered by a State that is participating in the transition under the provisions of sections 341(a)(3) and 342(c), that does not meet the definition of a short-time compensation program under section 3306(v) of the Internal Revenue Code of 1986 (as added by 341(a)), and a State with an agreement under section 343, shall not be eligible to receive a grant under this section until such time as the State law of the State provides for payments under a short-time compensation program that meets such definition and such law.

(b) AMOUNT OF GRANTS.—

(1) IN GENERAL.—The maximum amount available for making grants to a State under paragraphs (1) and (2) shall be equal to the amount obtained by multiplying $700,000,000 (less the amount used by the Secretary under subsection (e)) by the same ratio as would apply under subsection (a)(2)(B) of section 903 of the Social Security Act (42 U.S.C. 1103) for purposes of determining such State's share of any excess amount (as described in subsection (a)(1) of such section) that would have been subject to transfer to State accounts, as of October 1, 2010, under the provisions of subsection (a) of such section.

(2) AMOUNT AVAILABLE FOR DIFFERENT GRANTS.—Of the maximum incentive payment determined under paragraph (1) with respect to a State—

(A) one-third shall be available for a grant under subsection (a)(1); and

(B) two-thirds shall be available for a grant under subsection (a)(2).

(c) GRANT APPLICATION AND DISBURSAL.—

(1) APPLICATION.—Any State seeking a grant under paragraph (1) or (2) of subsection (a) shall submit an application to the Secretary at such time, in such manner, and complete with such information as the Secretary may require. In no case may the Secretary award a grant under this section with respect to an application that is submitted after December 31, 2014.

(2) NOTICE.—The Secretary shall, within 30 days after receiving a complete application, notify the State agency of the State of the Secretary's findings with respect to the requirements for a grant under paragraph (1) or (2) (or both) of subsection (a).

(3) CERTIFICATION.—If the Secretary finds that the State law provisions meet the requirements for a grant under subsection (a), the Secretary shall thereupon make a certification to that effect to the Secretary of the Treasury, together with a certification as to the amount of the grant payment to be transferred to the State account in the Unemployment Trust Fund (as established in section 904(a) of the Social Security Act (42 U.S.C. 1104(a))) pursuant to that finding. The Secretary of the Treasury shall make the appropriate transfer to the State account within 7 days after receiving such certification.

(4) REQUIREMENT.—No certification of compliance with the requirements for a grant under paragraph (1) or (2) of subsection (a) may be made with respect to any State whose—

(A) State law is not otherwise eligible for certification under section 303 of the Social Security Act (42 U.S.C. 503) or approvable under section 3304 of the Internal Revenue Code of 1986; or

(B) short-time compensation program is subject to discontinuation or is not scheduled to take effect within 12 months of the certification.

(d) USE OF FUNDS.—The amount of any grant awarded under this section shall be used for the implementation of short-time compensation programs and the overall administration of such programs and the promotion and enrollment efforts associated with such programs, such as through—

(1) the creation or support of rapid response teams to advise employers about alternatives to layoffs;

(2) the provision of education or assistance to employers to enable them to assess the feasibility of participating in short-time compensation programs; and

(3) the development or enhancement of systems to automate—

(A) the submission and approval of plans; and

(B) the filing and approval of new and ongoing short-time compensation claims.

(e) ADMINISTRATION.—The Secretary is authorized to use 0.25 percent of the funds available under subsection (g) to provide for outreach and to share best practices with respect to this section and short-time compensation programs.

(f) RECOUPMENT.—The Secretary shall establish a process under which the Secretary shall recoup the amount of any grant awarded under paragraph (1) or (2) of subsection (a) if the Secretary determines that, during the 5-year period beginning on the first date that any such grant is awarded to the State, the State—

(1) terminated the State's short-time compensation program; or

(2) failed to meet appropriate requirements with respect to such program (as established by the Secretary).

(g) FUNDING.—There are appropriated, out of moneys in the Treasury not otherwise appropriated, to the Secretary, $700,000,000 to carry out this section, to remain available without fiscal year limitation.

(h) REPORTING.—The Secretary may establish reporting requirements for States receiving a grant under this section in order to provide oversight of grant funds.

(i) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(2) SHORT-TIME COMPENSATION PROGRAM.—The term ''short-time compensation program'' has the meaning given such term in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a).

(3) STATE; STATE AGENCY; STATE LAW.—The terms ''State'', ''State agency'', and ''State law'' have the meanings given those terms in section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 345. ASSISTANCE AND GUIDANCE IN IMPLEMENTING PROGRAMS.

(a) IN GENERAL.—In order to assist States in establishing, qualifying, and implementing short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)), the Secretary of Labor (in this section referred to as the ''Secretary'') shall—

(1) develop model legislative language which may be used by States in developing and enacting such programs and periodically review and revise such model legislative language;

(2) provide technical assistance and guidance in developing, enacting, and implementing such programs;

(3) establish reporting requirements for States, including reporting on—

(A) the number of estimated averted layoffs;

(B) the number of participating employers and workers; and

(C) such other items as the Secretary of Labor determines are appropriate.

(b) MODEL LANGUAGE AND GUIDANCE.—The model language and guidance developed under subsection (a) shall allow sufficient flexibility by States and participating employers while ensuring accountability and program integrity.

(c) CONSULTATION.—In developing the model legislative language and guidance under subsection (a), and in order to meet the requirements of subsection (b), the Secretary shall consult with employers, labor organizations, State workforce agencies, and other program experts.

SEC. 346. REPORTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 4 years after the date of the enactment of this Act, the Secretary of Labor shall submit to Congress and to the President a report or reports on the implementation of the provisions of this Act.

(2) REQUIREMENTS.—Any report under paragraph (1) shall at a minimum include the following:

(A) A description of best practices by States and employers in the administration, promotion, and use of short-time compensation programs (as defined in section 3306(v) of the Internal Revenue Code of 1986, as added by section 341(a)).

(B) An analysis of the significant challenges to State enactment and implementation of short-time compensation programs.

(C) A survey of employers in States that have not enacted a short-time compensation program or entered into an agreement with the Secretary on a short-time compensation plan to determine the level of interest among such employers in participating in short-time compensation programs.

(b) FUNDING.—There are appropriated, out of any moneys in the Treasury not otherwise appropriated, to the Secretary of Labor, $1,500,000 to carry out this section, to remain available without fiscal year limitation.

Subtitle B—Long Term Unemployed Hiring Preferences

SEC. 351. LONG TERM UNEMPLOYED WORKERS WORK OPPORTUNITY TAX CREDITS.

(a) IN GENERAL.—Paragraph (3) of section 51(b) of the Internal Revenue Code is amended by inserting ''$10,000 per year in the case of any individual who is a qualified long term unemployed individual by reason of subsection (d)(11), and'' before ''$12,000 per year''.

(b) LONG TERM UNEMPLOYED INDIVIDUALS TAX CREDITS.—Paragraph (d) of section 51 of the Internal Revenue Code is amended by—

(1) inserting ''(J) qualified long term unemployed individual'' at the end of paragraph (d)(1);

(2) inserting a new paragraph after paragraph (10) as follows—

''(11) QUALIFIED LONG TERM UNEMPLOYED INDIVIDUAL.—

''(A) IN GENERAL.—The term 'qualified long term unemployed individual' means any individual who was not a student for at least 6 months during the 1-year period ending on the hiring date and is certified by the designated local agency as having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

''(B) STUDENT.—For purposes of this subsection, a student is an individual enrolled at least half-time in a program that leads to a degree, certificate, or other recognized educational credential for at least 6 months whether or not consecutive during the 1-year period ending on the hiring date.''; and

(3) renumbering current paragraphs (11) through (14) as paragraphs (12) through (15).

(c) SIMPLIFIED CERTIFICATION.—Section 51(d) of the Internal Revenue Code is amended by adding a new paragraph 16 as follows:

''(16) CREDIT ALLOWED FOR QUALIFIED LONG TERM UNEMPLOYED INDIVIDUALS.—

''(A) IN GENERAL.—Any qualified long term unemployed individual under paragraph (11) will be treated as certified by the designated local agency as having aggregate periods of unemployment if—

''(i) the individual is certified by the designated local agency as being in receipt of unemployment compensation under State or Federal law for not less than 6 months during the 1-year period ending on the hiring date.

''(B) REGULATORY AUTHORITY.—The Secretary in his discretion may provide alternative methods for certification.''.

(d) CREDIT MADE AVAILABLE TO TAX-EXEMPT EMPLOYERS IN CERTAIN CIRCUMSTANCES.—Section 52(c) of the Internal Revenue Code is amended—

(1) by striking the word ''No'' at the beginning of the section and replacing it with ''Except as provided in this subsection, no''; and

(2) the following new paragraphs are inserted at the end of section 52(c)—

''(1) IN GENERAL.—In the case of a tax-exempt employer, there shall be treated as a credit allowable under subpart C (and not allowable under subpart D) the lesser of—

''(A) the amount of the work opportunity credit determined under this subpart with respect to such employer that is related to the hiring of qualified long term unemployed individuals described in subsection (d)(11); or

''(B) the amount of the payroll taxes of the employer during the calendar year in which the taxable year begins.

''(2) CREDIT AMOUNT.—In calculating tax-exempt employers, the work opportunity credit shall be determined by substituting '26 percent' for '40 percent' in section 51(a) and by substituting '16.25 percent' for '25 percent' in section 51(i)(3)(A).

''(3) TAX-EXEMPT EMPLOYER.—For purposes of this subtitle, the term 'tax-exempt employer' means an employer that is—

''(A) an organization described in section 501(c) and exempt from taxation under section 501(a), or

''(B) a public higher education institution (as defined in section 101 of the Higher Education Act of 1965).

''(4) PAYROLL TAXES.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'payroll taxes' means—

''(i) amounts required to be withheld from the employees of the tax-exempt employer under section 3401(a),

''(ii) amounts required to be withheld from such employees under section 3101, and

''(iii) amounts of the taxes imposed on the tax-exempt employer under section 3111.''.

(e) TREATMENT OF POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS.—

(A) MIRROR CODE POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of this section (other than this subsection). Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession of the United States.

(B) OTHER POSSESSIONS.—The Secretary of the Treasury shall pay to each possession of the United States, which does not have a mirror code tax system, amounts estimated

by the Secretary of the Treasury as being equal to the aggregate credits that would have been provided by the possession by reason of the application of this section (other than this subsection) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments.

(2) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 that is attributable to the credit provided by this section (other than this subsection (e)) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession of the United States by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) DEFINITIONS AND SPECIAL RULES.—

(A) POSSESSION OF THE UNITED STATES.—For purposes of this subsection (e), the term ''possession of the United States'' includes American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the United States Virgin Islands.

(B) MIRROR CODE TAX SYSTEM.—For purposes of this subsection, the term ''mirror code tax system'' means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) TREATMENT OF PAYMENTS.—For purposes of section 1324(b)(2) of title 31, United States Code, rules similar to the rules of section 1001(b)(3)(C) of the American Recovery and Reinvestment Tax Act of 2009 shall apply.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act.

Subtitle C—Pathways Back to Work

SEC. 361. SHORT TITLE.

This subtitle may be cited as the ''Pathways Back to Work Act of 2011''.

SEC. 362. ESTABLISHMENT OF PATHWAYS BACK TO WORK FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the Pathways Back to Work Fund (hereafter in this Act referred to as ''the Fund'').

(b) DEPOSITS INTO THE FUND.—Out of any amounts in the Treasury of the United States not otherwise appropriated, there are appropriated $5,000,000,000 for payment to the Fund to be used by the Secretary of Labor to carry out this Act.

SEC. 363. AVAILABILITY OF FUNDS.

(a) IN GENERAL.—Of the amounts available to the Fund under section 362(b), the Secretary of Labor shall—

(1) allot $2,000,000,000 in accordance with section 364 to provide subsidized employment to unemployed, low-income adults;

(2) allot $1,500,000,000 in accordance with section 365 to provide summer and year-round employment opportunities to low-income youth;

(3) award $1,500,000,000 in competitive grants in accordance with section 366 to local entities to carry out work-based training and other work-related and educational strategies and activities of demonstrated effectiveness to unemployed, low-income adults and low-income youth to provide the skills and assistance needed to obtain employment.

(b) RESERVATION.—The Secretary of Labor may reserve not more than 1 percent of amounts available to the Fund under each of paragraphs (1)–(3) of subsection (a) for the costs of technical assistance, evaluations and Federal administration of this Act.

(c) PERIOD OF AVAILABILITY.—The amounts appropriated under this Act shall be available for obligation by the Secretary of Labor until December 31, 2012, and shall be available for expenditure by grantees and subgrantees until September 30, 2013.

SEC. 364. SUBSIDIZED EMPLOYMENT FOR UNEMPLOYED, LOW-INCOME ADULTS.

(a) IN GENERAL.—

(1) ALLOTMENTS.—From the funds available under section 363(a)(1), the Secretary of Labor shall make an allotment under subsection (b) to each State that has a State plan approved under subsection (c) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing subsidized employment opportunities to unemployed, low-income adults.

(2) GUIDANCE.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor, in coordination with the Secretary of Health and Human Services, shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State and local plans and the allotment and allocation of funds, including reallotment and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(b) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a)(1), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide subsidized employment to low-income adults who are unemployed; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide subsidized employment to low-income adults who are unemployed.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a)(1) among the States as follows:

(A) one-third shall be allotted on the basis of the relative number of unemployed individuals in areas of substantial unemployment in each State, compared to the total number of unemployed individuals in areas of substantial unemployment in all States;

(B) one-third shall be allotted on the basis of the relative excess number of unemployed individuals in each State, compared to the total excess number of unemployed individuals in all States; and

(C) one-third shall be allotted on the basis of the relative number of disadvantaged adults and youth in each State, compared to the total number of disadvantaged adults and youth in all States.

(3) DEFINITIONS.—For purposes of the formula described in paragraph (2)—

(A) AREA OF SUBSTANTIAL UNEMPLOYMENT.—The term ''area of substantial unemployment'' means any contiguous area with a population of at least 10,000 and that has an average rate of unemployment of at least 6.5 percent for the most recent 12 months, as determined by the Secretary.

(B) DISADVANTAGED ADULTS AND YOUTH.—The term ''disadvantaged adults and youth'' means an individual who is age 16 and older (subject to section 132(b)(1)(B)(v)(I) of the Workforce Investment Act of 1998) who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of—

(i) the poverty line; or

(ii) 70 percent of the lower living standard income level.

(C) EXCESS NUMBER.—The term ''excess number'' means, used with respect to the excess number of unemployed individuals within a State, the higher of—

(i) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in the State; or

(ii) the number that represents the number of unemployed individuals in excess of 4.5 percent of the civilian labor force in areas of substantial unemployment in such State.

(4) REALLOTMENT.—If the Governor of a State does not submit a State plan by the time specified in subsection (c), or a State does not receive approval of a State plan, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(c) STATE PLAN.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (b), the Governor of the State shall submit to the Secretary of Labor a State plan in such form and containing such information as the Secretary may require. At a minimum, such plan shall include—

(A) a description of the strategies and activities to be carried out by the State, in coordination with employers in the State, to provide subsidized employment opportunities to unemployed, low-income adults, including strategies relating to the level and duration of subsidies consistent with subsection (e)(2);

(B) a description of the requirements the State will apply relating to the eligibility of unemployed, low-income adults, consistent with section 368(6), for subsidized employment opportunities, which may include criteria to target assistance to particular categories of such adults, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(C) a description of how the funds allotted to provide subsidized employment opportunities will be administered in the State and local areas, in accordance with subsection (d);

(D) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(E) a description of the coordination of activities to be carried out with the funds provided under this section with activities under title I of the Workforce Investment Act of 1998, the TANF program under part A of title IV of the Social Security Act, and other appropriate Federal and State programs that may assist unemployed, low-income adults in obtaining and retaining employment;

(F) a description of the timelines for implementation of the activities described in

subparagraph (A), and the number of unemployed, low-income adults expected to be placed in subsidized employment by quarter;

(G) assurances that the State will report such information as the Secretary of Labor may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(H) assurances that the State will ensure compliance with the labor standards and protections described in section 367(a) of this Act.

(2) SUBMISSION AND APPROVAL OF STATE PLAN.—

(A) SUBMISSION WITH OTHER PLANS.—The State plan described in this subsection may be submitted in conjunction with the State plan modification or request for funds required under section 365, and may be submitted as a modification to a State plan that has been approved under section 112 of the Workforce Investment Act of 1998.

(B) SUBMISSION AND APPROVAL.—

(i) SUBMISSION.—The Governor shall submit a plan to the Secretary of Labor not later than 75 days after the enactment of this Act and the Secretary of Labor shall make a determination regarding the approval or disapproval of such plans not later than 45 days after the submission of such plan. If the plan is disapproved, the Secretary of Labor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval.

(ii) APPROVAL.—The Secretary of Labor shall approve a State plan that the Secretary determines is consistent with requirements of this section and reasonably appropriate and adequate to carry out the purposes of this section. If the plan is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN.—The Governor may submit a modification to a State plan under this subsection consistent with the requirements of this section.

(d) ADMINISTRATION WITHIN THE STATE.—

(1) OPTION.—The State may administer the funds for activities under this section through—

(A) the State and local entities responsible for the administration of the adult formula program under title I–B of the Workforce Investment Act of 1998;

(B) the entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act; or

(C) a combination of the entities described in subparagraphs (A) and (B).

(2) WITHIN-STATE ALLOCATIONS.—

(A) ALLOCATION OF FUNDS.—The Governor may reserve up to 5 percent of the allotment under subsection (b)(2) for administration and technical assistance, and shall allocate the remainder, in accordance with the option elected under paragraph (1)—

(i) among local workforce investment areas within the State in accordance with the factors identified in subsection (b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved, of which not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section; or

(ii) through entities responsible for the administration of the TANF program under part A of title IV of the Social Security Act in local areas in such manner as the State may determine appropriate.

(B) LOCAL PLANS.—

(i) IN GENERAL.—In the case where the responsibility for the administration of activities is to be carried out by the entities described under paragraph (1)(A), in order to receive an allocation under subparagraph (A)(i), a local workforce investment board, in partnership with the chief elected official of the local workforce investment area involved, shall submit to the Governor a local plan for the use of such funds under this section not later than 30 days after the submission of the State plan. Such local plan may be submitted as a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998.

(ii) CONTENTS.—The local plan described in clause (i) shall contain the elements described in subparagraphs (A)–(H) of subsection (c)(1), as applied to the local workforce investment area.

(iii) APPROVAL.—The Governor shall approve or disapprove the local plan submitted under clause (i) within 30 days after submission, or if later, 30 days after the approval of the State plan. The Governor shall approve the plan unless the Governor determines that the plan is inconsistent with requirements of this section or is not reasonably appropriate and adequate to carry out the purposes of this section. If the Governor has not made a determination within the period specified under the first sentence of this clause, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after such approval.

(C) REALLOCATION OF FUNDS TO LOCAL AREAS.—If a local workforce investment board does not submit a local plan by the time specified in subparagraph (B) or the Governor does not approve a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under subparagraph (A)(i) shall be allocated to local workforce investment areas that receive approval of the local plan under subparagraph (B). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under subparagraph (A)(i).

(e) USE OF FUNDS.—

(1) IN GENERAL.—The funds under this section shall be used to provide subsidized employment for unemployed, low-income adults. The State and local entities described in subsection (d)(1) may use a variety of strategies in recruiting employers and identifying appropriate employment opportunities, with a priority to be provided to employment opportunities likely to lead to unsubsidized employment in emerging or in-demand occupations in the local area. Funds under this section may be used to provide support services, such as transportation and child care, that are necessary to enable the participation of individuals in subsidized employment opportunities.

(2) LEVEL OF SUBSIDY AND DURATION.—The States or local entities described in subsection (d)(1) may determine the percentage of the wages and costs of employing a participant for which an employer may receive a subsidy with the funds provided under this section, and the duration of such subsidy, in accordance with guidance issued by the Secretary. The State or local entities may establish criteria for determining such percentage or duration using appropriate factors such as the size of the employer and types of employment.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Health and Human Services to ensure the effective implementation of this section.

SEC. 365. SUMMER EMPLOYMENT AND YEAR-ROUND EMPLOYMENT OPPORTUNITIES FOR LOW-INCOME YOUTH.

(a) IN GENERAL.—From the funds available under section 363(a)(2), the Secretary of Labor shall make an allotment under subsection (c) to each State that has a State plan modification (or other form of request for funds specified in guidance under subsection (b)) approved under subsection (d) and to each outlying area and Native American grantee under section 166 of the Workforce Investment Act of 1998 that meets the requirements of this section, for the purpose of providing summer employment and year-round employment opportunities to low-income youth.

(b) GUIDANCE AND APPLICATION OF REQUIREMENTS.—

(1) GUIDANCE.—Not later than 20 days after the date of enactment of this Act, the Secretary of Labor shall issue guidance regarding the implementation of this section. Such guidance shall, consistent with this section, include procedures for the submission and approval of State plan modifications, or for forms of requests for funds by the State as may be identified in such guidance, local plan modifications, or other forms of requests for funds from local workforce investment areas as may be identified in such guidance, and the allotment and allocation of funds, including reallotment and reallocation of such funds, that promote the expeditious and effective implementation of the activities authorized under this section.

(2) REQUIREMENTS.—Except as otherwise provided in the guidance described in paragraph (1) and in this section and other provisions of this Act, the funds provided for activities under this section shall be administered in accordance with subtitles B and E of title I of the Workforce Investment Act of 1998 relating to youth activities.

(c) STATE ALLOTMENTS.—

(1) RESERVATIONS FOR OUTLYING AREAS AND TRIBES.—Of the funds described in subsection (a), the Secretary shall reserve—

(A) not more than one-quarter of one percent to provide assistance to outlying areas to provide summer and year-round employment opportunities to low-income youth; and

(B) 1.5 percent to provide assistance to grantees of the Native American programs under section 166 of the Workforce Investment Act of 1998 to provide summer and year-round employment opportunities to low-income youth.

(2) STATES.—After determining the amounts to be reserved under paragraph (1), the Secretary of Labor shall allot the remainder of the amounts described in subsection (a) among the States in accordance with the factors described in section 364(b)(2) of this Act.

(3) REALLOTMENT.—If the Governor of a State does not submit a State plan modification or other request for funds specified in guidance under subsection (b) by the time specified in subsection (d)(2)(B), or a State does not receive approval of such State plan modification or request, the amount the State would have been eligible to receive pursuant to the formula under paragraph (2) shall be transferred within the Fund and added to the amounts available for the competitive grants under section 363(a)(3).

(d) STATE PLAN MODIFICATION.—

(1) IN GENERAL.—For a State to be eligible to receive an allotment of the funds under subsection (c), the Governor of the State shall submit to the Secretary of Labor a modification to a State plan approved under section 112 of the Workforce Investment Act of 1998, or other request for funds described

in guidance in subsection (b), in such form and containing such information as the Secretary may require. At a minimum, such plan modification or request shall include—

(A) a description of the strategies and activities to be carried out to provide summer employment opportunities and year-round employment opportunities, including the linkages to educational activities, consistent with subsection (f);

(B) a description of the requirements the States will apply relating to the eligibility of low-income youth, consistent with section 368(4), for summer employment opportunities and year-round employment opportunities, which may include criteria to target assistance to particular categories of such low-income youth, such as youth with disabilities, consistent with subsection (f);

(C) a description of the performance outcomes to be achieved by the State through the activities carried out under this section and the processes the State will use to track performance, consistent with guidance provided by the Secretary of Labor regarding such outcomes and processes and with section 367(b);

(D) a description of the timelines for implementation of the activities described in subparagraph (A), and the number of low-income youth expected to be placed in summer employment opportunities, and year-round employment opportunities, respectively, by quarter;

(E) assurances that the State will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(F) assurances that the State will ensure compliance with the labor standards protections described in section 367(a).

(2) SUBMISSION AND APPROVAL OF STATE PLAN MODIFICATION OR REQUEST.—

(A) SUBMISSION.—The Governor shall submit a modification of the State plan or other request for funds described in guidance in subsection (b) to the Secretary of Labor not later than 30 days after the issuance of such guidance. The State plan modification or request for funds required under this subsection may be submitted in conjunction with the State plan required under section 364.

(B) APPROVAL.—The Secretary of Labor shall approve the plan or request submitted under subparagraph (A) within 30 days after submission, unless the Secretary determines that the plan or request is inconsistent with the requirements of this section. If the Secretary has not made a determination within 30 days, the plan or request shall be considered approved. If the plan or request is disapproved, the Secretary may provide a reasonable period of time in which a disapproved plan or request may be amended and resubmitted for approval. If the plan or request is approved, the Secretary shall allot funds to States within 30 days after such approval.

(3) MODIFICATIONS TO STATE PLAN OR REQUEST.—The Governor may submit further modifications to a State plan or request for funds identified under subsection (b) to carry out this section in accordance with the requirements of this section.

(e) WITHIN-STATE ALLOCATION AND ADMINISTRATION.—

(1) IN GENERAL.—Of the funds allotted to the State under subsection (c), the Governor—

(A) may reserve up to 5 percent of the allotment for administration and technical assistance; and

(B) shall allocate the remainder of the allotment among local workforce investment areas within the State in accordance with the factors identified in section 364(b)(2), except that for purposes of such allocation references to a State in such paragraph shall be deemed to be references to a local workforce investment area and references to all States shall be deemed to be references to all local areas in the State involved. Not more than 10 percent of the funds allocated to a local workforce investment area may be used for the costs of administration of this section.

(2) LOCAL PLAN.—

(A) SUBMISSION.—In order to receive an allocation under paragraph (1)(B), the local workforce investment board, in partnership with the chief elected official for the local workforce investment area involved, shall submit to the Governor a modification to a local plan approved under section 118 of the Workforce Investment Act of 1998, or other form of request for funds as may be identified in the guidance issued under subsection (b), not later than 30 days after the submission by the State of the modification to the State plan or other request for funds identified in subsection (b), describing the strategies and activities to be carried out under this section.

(B) APPROVAL.—The Governor shall approve the local plan submitted under subparagraph (A) within 30 days after submission, unless the Governor determines that the plan is inconsistent with requirements of this section. If the Governor has not made a determination within 30 days, the plan shall be considered approved. If the plan is disapproved, the Governor may provide a reasonable period of time in which a disapproved plan may be amended and resubmitted for approval. The Governor shall allocate funds to local workforce investment areas with approved plans within 30 days after approval.

(3) REALLOCATION.—If a local workforce investment board does not submit a local plan modification (or other request for funds identified in guidance under subsection (b)) by the time specified in paragraph (2), or does not receive approval of a local plan, the amount the local workforce investment area would have been eligible to receive pursuant to the formula under paragraph (1)(B) shall be allocated to local workforce investment areas that receive approval of the local plan modification or request for funds under paragraph (2). Such reallocations shall be made in accordance with the relative share of the allocations to such local workforce investment areas applying the formula factors described under paragraph (1)(B).

(f) USE OF FUNDS.—

(1) IN GENERAL.—The funds provided under this section shall be used—

(A) to provide summer employment opportunities for low-income youth, ages 16 through 24, with direct linkages to academic and occupational learning, and may include the provision of supportive services, such as transportation or child care, necessary to enable such youth to participate; and

(B) to provide year-round employment opportunities, which may be combined with other activities authorized under section 129 of the Workforce Investment Act of 1998, to low-income youth, ages 16 through 24, with a priority to out-of-school youth who are—

(i) high school dropouts; or

(ii) recipients of a secondary school diploma or its equivalent but who are basic skills deficient unemployed or underemployed.

(2) PROGRAM PRIORITIES.—In administering the funds under this section, the local board and local chief elected officials shall give a priority to—

(A) identifying employment opportunities that are—

(i) in emerging or in-demand occupations in the local workforce investment area; or

(ii) in the public or nonprofit sector that meet community needs; and

(B) linking year-round program participants to training and educational activities that will provide such participants an industry-recognized certificate or credential.

(3) PERFORMANCE ACCOUNTABILITY.—For activities funded under this section, in lieu of the requirements described in section 136 of the Workforce Investment Act of 1998, State and local workforce investment areas shall provide such reports as the Secretary of Labor may require regarding the performance outcomes described in section 367(a)(5).

SEC. 366. WORK-BASED EMPLOYMENT STRATEGIES OF DEMONSTRATED EFFECTIVENESS.

(a) IN GENERAL.—From the funds available under section 363(a)(3), the Secretary of Labor shall award grants on a competitive basis to eligible entities to carry out work-based strategies of demonstrated effectiveness.

(b) USE OF FUNDS.—The grants awarded under this section shall be used to support strategies and activities of demonstrated effectiveness that are designed to provide unemployed, low-income adults or low-income youth with the skills that will lead to employment as part of or upon completion of participation in such activities. Such strategies and activities may include—

(1) on-the-job training, registered apprenticeship programs, or other programs that combine work with skills development;

(2) sector-based training programs that have been designed to meet the specific requirements of an employer or group of employers in that sector and where employers are committed to hiring individuals upon successful completion of the training;

(3) training that supports an industry sector or an employer-based or labor-management committee industry partnership which includes a significant work-experience component;

(4) acquisition of industry-recognized credentials in a field identified by the State or local workforce investment area as a growth sector or demand industry in which there are likely to be significant job opportunities in the short-term;

(5) connections to immediate work opportunities, including subsidized employment opportunities, or summer employment opportunities for youth, that includes concurrent skills training and other supports;

(6) career academies that provide students with the academic preparation and training, including paid internships and concurrent enrollment in community colleges or other postsecondary institutions, needed to pursue a career pathway that leads to postsecondary credentials and high-demand jobs; and

(7) adult basic education and integrated basic education and training models for low-skilled adults, hosted at community colleges or at other sites, to prepare individuals for jobs that are in demand in a local area.

(c) ELIGIBLE ENTITY.—An eligible entity shall include a local chief elected official, in collaboration with the local workforce investment board for the local workforce investment area involved (which may include a partnership with such officials and boards in the region and in the State), or an entity eligible to apply for an Indian and Native American grant under section 166 of the Workforce Investment Act of 1998, and may include, in partnership with such officials, boards, and entities, the following:

(1) employers or employer associations;

(2) adult education providers and postsecondary educational institutions, including community colleges;

(3) community-based organizations;

(4) joint labor-management committees;

(5) work-related intermediaries; or

(6) other appropriate organizations.

(d) APPLICATION.—An eligible entity seeking to receive a grant under this section shall submit to the Secretary of Labor an application at such time, in such manner, and containing such information as the Secretary may require. At a minimum, the application shall—

(1) describe the strategies and activities of demonstrated effectiveness that the eligible entities will carry out to provide unemployed, low-income adults and low-income youth with the skills that will lead to employment upon completion of participation in such activities;

(2) describe the requirements that will apply relating to the eligibility of unemployed, low-income adults or low-income youth, consistent with paragraphs (4) and (6) of section 368, for activities carried out under this section, which may include criteria to target assistance to particular categories of such adults and youth, such as individuals with disabilities or individuals who have exhausted all rights to unemployment compensation;

(3) describe how the strategies and activities address the needs of the target populations identified in paragraph (2) and the needs of employers in the local area;

(4) describe the expected outcomes to be achieved by implementing the strategies and activities;

(5) provide evidence that the funds provided may be expended expeditiously and efficiently to implement the strategies and activities;

(6) describe how the strategies and activities will be coordinated with other Federal, State and local programs providing employment, education and supportive activities;

(7) provide evidence of employer commitment to participate in the activities funded under this section, including identification of anticipated occupational and skill needs;

(8) provide assurances that the grant recipient will report such information as the Secretary may require relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out under this section; and

(9) provide assurances that the use of the funds provided under this section will comply with the labor standards and protections described in section 367(a).

(e) PRIORITY IN AWARDS.—In awarding grants under this section, the Secretary of Labor shall give a priority to applications submitted by eligible entities from areas of high poverty and high unemployment, as defined by the Secretary, such as Public Use Microdata Areas (PUMAs) as designated by the Census Bureau.

(f) COORDINATION OF FEDERAL ADMINISTRATION.—The Secretary of Labor shall administer this section in coordination with the Secretary of Education, Secretary of Health and Human Services, and other appropriate agency heads, to ensure the effective implementation of this section.

SEC. 367. GENERAL REQUIREMENTS.

(a) LABOR STANDARDS AND PROTECTIONS.—Activities provided with funds under this Act shall be subject to the requirements and restrictions, including the labor standards, described in section 181 of the Workforce Investment Act of 1998 and the nondiscrimination provisions of section 188 of such Act, in addition to other applicable federal laws.

(b) REPORTING.—The Secretary may require the reporting of information relating to fiscal, performance and other matters that the Secretary determines is necessary to effectively monitor the activities carried out with funds provided under this Act. At a minimum, grantees and subgrantees shall provide information relating to—

(1) the number of individuals participating in activities with funds provided under this Act and the number of such individuals who have completed such participation;

(2) the expenditures of funds provided under the Act;

(3) the number of jobs created pursuant to the activities carried out under this Act;

(4) the demographic characteristics of individuals participating in activities under this Act; and

(5) the performance outcomes of individuals participating in activities under this Act, including—

(A) for adults participating in activities funded under section 364 of this Act—

(i) entry in unsubsidized employment,

(ii) retention in unsubsidized employment, and

(iii) earnings in unsubsidized employment;

(B) for low-income youth participating in summer employment activities under sections 365 and 366—

(i) work readiness skill attainment using an employer validated checklist;

(ii) placement in or return to secondary or postsecondary education or training, or entry into unsubsidized employment;

(C) for low-income youth participating in year-round employment activities under section 365 or in activities under section 366—

(i) placement in or return to post-secondary education;

(ii) attainment of high school diploma or its equivalent;

(iii) attainment of an industry-recognized credential; and

(iv) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A);

(D) for unemployed, low-income adults participating in activities under section 366—

(i) entry into unsubsidized employment, retention, and earnings as described in subparagraph (A); and

(ii) the attainment of industry-recognized credentials.

(c) ACTIVITIES REQUIRED TO BE ADDITIONAL.—Funds provided under this Act shall only be used for activities that are in addition to activities that would otherwise be available in the State or local area in the absence of such funds.

(d) ADDITIONAL REQUIREMENTS.—The Secretary of Labor may establish such additional requirements as the Secretary determines may be necessary to ensure fiscal integrity, effective monitoring, and the appropriate and prompt implementation of the activities under this Act.

(e) REPORT OF INFORMATION AND EVALUATIONS TO CONGRESS AND THE PUBLIC.—The Secretary of Labor shall provide to the appropriate Committees of the Congress and make available to the public the information reported pursuant to subsection (b) and the evaluations of activities carried out pursuant to the funds reserved under section 363(b).

SEC. 368. DEFINITIONS.

In this Act:

(1) LOCAL CHIEF ELECTED OFFICIAL.—The term ''local chief elected official'' means the chief elected executive officer of a unit of local government in a local workforce investment area or in the case where more than one unit of general government, the individuals designated under an agreement described in section 117(c)(1)(B) of the Workforce Investment Act of 1998.

(2) LOCAL WORKFORCE INVESTMENT AREA.—The term ''local workforce investment area'' means such area designated under section 116 of the Workforce Investment Act of 1998.

(3) LOCAL WORKFORCE INVESTMENT BOARD.—The term ''local workforce investment board'' means such board established under section 117 of the Workforce Investment Act of 1998.

(4) LOW-INCOME YOUTH.—The term ''low-income youth'' means an individual who—

(A) is aged 16 through 24;

(B) meets the definition of a low-income individual provided in section 101(25) of the Workforce Investment Act of 1998, except that States, local workforce investment areas under section 365 and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 365 and 366 of this Act; and

(C) is in one or more of the categories specified in section 101(13)(C) of the Workforce Investment Act of 1998.

(5) OUTLYING AREA.—The term ''outlying area'' means the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau.

(6) UNEMPLOYED, LOW-INCOME ADULT.—The term ''unemployed, low-income adult'' means an individual who—

(A) is age 18 or older;

(B) is without employment and is seeking assistance under this Act to obtain employment; and

(C) meets the definition of a ''low-income individual'' under section 101(25) of the Workforce Investment Act of 1998, except that for that States, local entities described in section 364(d)(1) and eligible entities under section 366(c), subject to approval in the applicable State plans, local plans, and applications for funds, may increase the income level specified in subparagraph (B)(i) of such section to an amount not in excess of 200 percent of the poverty line for purposes of determining eligibility for participation in activities under sections 364 and 366 of this Act.

(7) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, and Puerto Rico.

Subtitle D—Prohibition of Discrimination in Employment on the Basis of an Individual's Status as Unemployed

SEC. 371. SHORT TITLE.

This subtitle may be cited as the ''Fair Employment Opportunity Act of 2011''.

SEC. 372. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that denial of employment opportunities to individuals because of their status as unemployed is discriminatory and burdens commerce by—

(1) reducing personal consumption and undermining economic stability and growth;

(2) squandering human capital essential to the Nation's economic vibrancy and growth;

(3) increasing demands for Federal and State unemployment insurance benefits, reducing trust fund assets, and leading to higher payroll taxes for employers, cuts in benefits for jobless workers, or both;

(4) imposing additional burdens on publicly funded health and welfare programs; and

(5) depressing income, property, and other tax revenues that the Federal Government, States, and localities rely on to support operations and institutions essential to commerce.

(b) PURPOSES.—The purposes of this Act are—

(1) to prohibit employers and employment agencies from disqualifying an individual from employment opportunities because of that individual's status as unemployed;

(2) to prohibit employers and employment agencies from publishing or posting any advertisement or announcement for an employment opportunity that indicates that an individual's status as unemployed disqualifies that individual for the opportunity; and

(3) to eliminate the burdens imposed on commerce due to the exclusion of such individuals from employment.

SEC. 373. DEFINITIONS.

As used in this Act—

(1) the term ''affected individual'' means any person who was subject to an unlawful employment practice solely because of that individual's status as unemployed;

(2) the term ''Commission'' means the Equal Employment Opportunity Commission;

(3) the term ''employee'' means—

(A) an employee as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(B) a State employee to which section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)) applies;

(C) a covered employee, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301) or section 411(c) of title 3, United States Code; or

(D) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(4) the term ''employer'' means—

(A) a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h)) who has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but does not include a bona fide private membership club that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986;

(B) an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 applies;

(C) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 or section 411(c) of title 3, United States Code; or

(D) an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies;

(5) the term ''employment agency'' means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for individuals opportunities to work as employees for an employer and includes an agent of such a person, and any person who maintains an Internet website or print medium that publishes advertisements or announcements of openings in jobs for employees;

(6) the term ''person'' has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)); and

(7) the term ''status as unemployed'', used with respect to an individual, means that the individual, at the time of application for employment or at the time of action alleged to violate this Act, does not have a job, is available for work and is searching for work.

SEC. 374. PROHIBITED ACTS.

(a) EMPLOYERS.—It shall be an unlawful employment practice for an employer to—

(1) publish in print, on the Internet, or in any other medium, an advertisement or announcement for an employee for any job that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) fail or refuse to consider for employment, or fail or refuse to hire, an individual as an employee because of the individual's status as unemployed; or

(3) direct or request that an employment agency take an individual's status as unemployed into account to disqualify an applicant for consideration, screening, or referral for employment as an employee.

(b) EMPLOYMENT AGENCIES.—It shall be an unlawful employment practice for an employment agency to—

(1) publish, in print or on the Internet or in any other medium, an advertisement or announcement for any vacancy in a job, as an employee, that includes—

(A) any provision stating or indicating that an individual's status as unemployed disqualifies the individual for any employment opportunity; or

(B) any provision stating or indicating that the employment agency or an employer will not consider or hire an individual for any employment opportunity based on that individual's status as unemployed;

(2) screen, fail or refuse to consider, or fail or refuse to refer an individual for employment as an employee because of the individual's status as unemployed; or

(3) limit, segregate, or classify any individual in any manner that would limit or tend to limit the individual's access to information about jobs, or consideration, screening, or referral for jobs, as employees, solely because of an individual's status as unemployed.

(c) INTERFERENCE WITH RIGHTS, PROCEEDINGS OR INQUIRIES.—It shall be unlawful for any employer or employment agency to—

(1) interfere with, restrain, or deny the exercise of or the attempt to exercise, any right provided under this Act; or

(2) fail or refuse to hire, to discharge, or in any other manner to discriminate against any individual, as an employee, because such individual—

(A) opposed any practice made unlawful by this Act;

(B) has asserted any right, filed any charge, or has instituted or caused to be instituted any proceeding, under or related to this Act;

(C) has given, or is about to give, any information in connection with any inquiry or proceeding relating to any right provided under this Act; or

(D) has testified, or is about to testify, in any inquiry or proceeding relating to any right provided under this Act.

(d) CONSTRUCTION.—Nothing in this Act is intended to preclude an employer or employment agency from considering an individual's employment history, or from examining the reasons underlying an individual's status as unemployed, in assessing an individual's ability to perform a job or in otherwise making employment decisions about that individual. Such consideration or examination may include an assessment of whether an individual's employment in a similar or related job for a period of time reasonably proximate to the consideration of such individual for employment is job-related or consistent with business necessity.

SEC. 375. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c),

in the case of an affected individual who would be covered by such title, or by section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of an affected individual who would be covered by such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of an affected individual who would be covered by section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c);

in the case of an affected individual who would be covered by such title, or of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of an affected individual who would be covered by section 411 of such title; and

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b and 2000e–16c) in the case of a claim alleged by such individual for a violation of section 302(a)(1) of such Act (42 U.S.C. 2000e–16b(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by such individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of section 411 of such title.

(b) PROCEDURES.—The procedures applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by such individual for a violation of such title;

(2) the procedures applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)) in the case of a claim alleged by such individual for a violation of such section;

(3) the procedures applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by such individual for a violation of such section; and

(4) the procedures applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by such individual for a violation of such section.

(c) REMEDIES.—

(1) In any claim alleging a violation of Section 374(a)(1) or 374(b)(1) of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate—

(A) an order enjoining the respondent from engaging in the unlawful employment practice;

(B) reimbursement of costs expended as a result of the unlawful employment practice;

(C) an amount in liquidated damages not to exceed $1,000 for each day of the violation; and

(D) reasonable attorney's fees (including expert fees) and costs attributable to the pursuit of a claim under this Act, except that no person identified in Section 103(a) of this Act shall be eligible to receive attorney's fees.

(2) In any claim alleging a violation of any other subsection of this Act, an individual, or any person acting on behalf of the individual as set forth in Section 375(a) of this Act, may be awarded, as appropriate, the remedies available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.), section 302(a)(1) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b(a)(1)), section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)), and section 411 of title 3, United States Code, except that in a case in which wages, salary, employment benefits, or other compensation have not been denied or lost to the individual, damages may be awarded in an amount not to exceed $5,000.

SEC. 376. FEDERAL AND STATE IMMUNITY.

(a) ABROGATION OF STATE IMMUNITY.—A State shall not be immune under the 11th Amendment to the Constitution from a suit brought in a Federal court of competent jurisdiction for a violation of this Act.

(b) WAIVER OF STATE IMMUNITY.—

(1) IN GENERAL.—

(A) WAIVER.—A State's receipt or use of Federal financial assistance for any program or activity of a State shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an employee or applicant for employment of that program or activity under this Act for a remedy authorized under Section 375(c) of this Act.

(B) DEFINITION.—In this paragraph, the term ''program or activity'' has the meaning given the term in section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(2) EFFECTIVE DATE.—With respect to a particular program or activity, paragraph (1) applies to conduct occurring on or after the day, after the date of enactment of this Act, on which a State first receives or uses Federal financial assistance for that program or activity.

(c) REMEDIES AGAINST STATE OFFICIALS.—An official of a State may be sued in the official capacity of the official by any employee or applicant for employment who has complied with the applicable procedures of this Act, for relief that is authorized under this Act.

(d) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity) are available for the violation to the same extent as such remedies would be available against a non-governmental entity.

SEC. 377. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or regulation or any law or regulation of a State or political subdivision of a State.

SEC. 378. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstances shall not be affected by the invalidity.

SEC. 379. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

TITLE IV—OFFSETS

Subtitle A—28 Percent Limitation on Certain Deductions and Exclusions

SEC. 401. 28 PERCENT LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

(a) IN GENERAL.—Part I of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 69. LIMITATION ON CERTAIN DEDUCTIONS AND EXCLUSIONS.

''(a) IN GENERAL.—In the case of an individual for any taxable year, if—

''(1) the taxpayer's adjusted gross income is above—

''(A) $250,000 in the case of a joint return within the meaning of section 6013,

''(B) $225,000 in the case of a head of household return,

''(C) $125,000 in the case of a married filing separately return, or

''(D) $200,000 in all other cases; and

''(2) the taxpayer's adjusted taxable income for such taxable year exceeds the minimum marginal rate amount,

then the tax imposed under section 1 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (b). If the taxpayer is subject to tax under section 55, then in lieu of an increase in tax under section 1, the tax imposed under section 55 with respect to such taxpayer for such taxable year shall be increased by the amount determined under subsection (c).

''(b) ADDITIONAL AMOUNT.—The amount determined under this subsection with respect to any taxpayer for any taxable year is the excess (if any) of—

''(1) the tax which would be imposed under section 1 with respect to such taxpayer for such taxable year if 'adjusted taxable income' were substituted for 'taxable income' each place it appears therein, over

''(2) the sum of—

''(A) the tax which would be imposed under such section with respect to such taxpayer for such taxable year on the greater of—

''(i) taxable income, or

''(ii) the minimum marginal rate amount, plus

''(B) 28 percent of the excess (if any) of the taxpayer's adjusted taxable income over the greater of—

''(i) the taxpayer's taxable income, or

''(ii) the minimum marginal rate amount.

''(c) ADDITIONAL AMT AMOUNT.—

''(1) The amount determined under this subsection with respect to any taxpayer for any taxable year is the additional amount computed under subsection (b) multiplied by the ratio that—

''(A) the result of—

''(i) all itemized deductions (before the application of section 68), plus

''(ii) the specified above-the-line deductions and specified exclusions, minus

''(iii) the amount of deductions disallowed under section 56(b)(1)(A) and (B), minus

''(iv) the non-preference disallowed deductions, bears to

''(B) the sum of—

''(i) the total of itemized deductions (after the application of section 68), plus

''(ii) the specified above-the-line deductions and specified exclusions.

''(2) If the top of the AMT exemption phase-out range for the taxpayer exceeds the minimum marginal rate amount for the taxpayer and if the taxpayer's alternative minimum taxable income does not exceed the top of the AMT exemption phase-out range, the taxpayer must increase its additional AMT amount by 7 percent of the excess of—

''(A) the lesser of—

''(i) the top of the AMT exemption phase-out range, or

''(ii) the taxpayer's alternative minimum taxable income, computed—

''(I) without regard to any itemized deduction or any specified above-the-line deduction, and

''(II) by including the amount of any specified exclusion; over

''(B) the greater of—

''(i) the taxpayer's alternative minimum taxable income, or

''(ii) the minimum marginal rate amount.

''(d) MINIMUM MARGINAL RATE AMOUNT.—For purposes of this section, the term 'minimum marginal rate amount' means, with respect to any taxpayer for any taxable year, the highest amount of the taxpayer's taxable income which would be subject to a marginal rate of tax under section 1 that is less than 36 percent with respect to such taxable year.

''(e) ADJUSTED TAXABLE INCOME.—For purposes of this section—

''(1) IN GENERAL.—The term 'adjusted taxable income' means taxable income computed—

''(A) without regard to any itemized deduction or any specified above-the-line deduction, and

''(B) by including in gross income any specified exclusion.

''(2) SPECIFIED ABOVE-THE-LINE DEDUCTION.—The term 'specified above-the-line deduction' means—

''(A) the deduction provided under section 162(l) (relating to special rules for health insurance costs of self-employed individuals),

''(B) the deduction provided under section 199 (relating to income attributable to domestic production activities), and

''(C) the deductions provided under the following paragraphs of section 62(a):

''(i) Paragraph (2) (relating to certain trade and business deductions of employees), other than subparagraph (A) thereof.

''(ii) Paragraph (15) (relating to moving expenses).

''(iii) Paragraph (16) (relating to Archer MSAs).

''(iv) Paragraph (17) (relating to interest on education loans).

''(v) Paragraph (18) (relating to higher education expenses).

''(vi) Paragraph (19) (relating to health savings accounts).

''(3) SPECIFIED EXCLUSION.—The term 'specified exclusion' means—

''(A) any interest excluded under section 103,

''(B) any exclusion with respect to the cost described in section 6051(a)(14) (without regard to subparagraph (B) thereof), and

''(C) any foreign earned income excluded under section 911.

''(f) NON-PREFERENCE DISALLOWED DEDUCTIONS.—For purposes of this section, the term 'AMT-allowed deductions' means all itemized deductions disallowed by section 68 multiplied by the ratio that—

''(1) a taxpayer's itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)) and that are not limited under section 56(b)(1)(A) or (B), bears to

''(2) the taxpayer's itemized deductions for the taxable year that are subject to section 68 (that is, not including those excluded under section 68(c)).

''(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be appropriate to carry out this section, including regulations which provide appropriate adjustments to the additional AMT amount.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning on or after January 1, 2013.

Subtitle B—Tax Carried Interest in Investment Partnerships as Ordinary Income

SEC. 411. PARTNERSHIP INTERESTS TRANSFERRED IN CONNECTION WITH PERFORMANCE OF SERVICES.

(a) MODIFICATION TO ELECTION TO INCLUDE PARTNERSHIP INTEREST IN GROSS INCOME IN YEAR OF TRANSFER.—Subsection (c) of section 83 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

''(4) PARTNERSHIP INTERESTS.—Except as provided by the Secretary—

''(A) IN GENERAL.—In the case of any transfer of an interest in a partnership in connection with the provision of services to (or for the benefit of) such partnership—

''(i) the fair market value of such interest shall be treated for purposes of this section as being equal to the amount of the distribution which the partner would receive if the partnership sold (at the time of the transfer) all of its assets at fair market value and distributed the proceeds of such sale (reduced by the liabilities of the partnership) to its partners in liquidation of the partnership, and

''(ii) the person receiving such interest shall be treated as having made the election under subsection (b)(1) unless such person makes an election under this paragraph to have such subsection not apply.

''(B) ELECTION.—The election under subparagraph (A)(ii) shall be made under rules similar to the rules of subsection (b)(2).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to interests in partnerships transferred after December 31, 2012.

SEC. 412. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

(a) IN GENERAL.—Part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 710. SPECIAL RULES FOR PARTNERS PROVIDING INVESTMENT MANAGEMENT SERVICES TO PARTNERSHIPS.

''(a) TREATMENT OF DISTRIBUTIVE SHARE OF PARTNERSHIP ITEMS.—For purposes of this title, in the case of an investment services partnership interest—

''(1) IN GENERAL.—Notwithstanding section 702(b)—

''(A) an amount equal to the net capital gain with respect to such interest for any partnership taxable year shall be treated as ordinary income, and

''(B) subject to the limitation of paragraph (2), an amount equal to the net capital loss with respect to such interest for any partnership taxable year shall be treated as an ordinary loss.

''(2) RECHARACTERIZATION OF LOSSES LIMITED TO RECHARACTERIZED GAINS.—The amount treated as ordinary loss under paragraph (1)(B) for any taxable year shall not exceed the excess (if any) of—

''(A) the aggregate amount treated as ordinary income under paragraph (1)(A) with respect to the investment services partnership interest for all preceding partnership taxable years to which this section applies, over

''(B) the aggregate amount treated as ordinary loss under paragraph (1)(B) with respect to such interest for all preceding partnership taxable years to which this section applies.

''(3) ALLOCATION TO ITEMS OF GAIN AND LOSS.—

''(A) NET CAPITAL GAIN.—The amount treated as ordinary income under paragraph (1)(A) shall be allocated ratably among the items of long-term capital gain taken into account in determining such net capital gain.

''(B) NET CAPITAL LOSS.—The amount treated as ordinary loss under paragraph (1)(B) shall be allocated ratably among the items of long-term capital loss and short-term capital loss taken into account in determining such net capital loss.

''(4) TERMS RELATING TO CAPITAL GAINS AND LOSSES.—For purposes of this section—

''(A) IN GENERAL.—Net capital gain, long-term capital gain, and long-term capital loss, with respect to any investment services partnership interest for any taxable year, shall be determined under section 1222, except that such section shall be applied—

''(i) without regard to the recharacterization of any item as ordinary income or ordinary loss under this section,

''(ii) by only taking into account items of gain and loss taken into account by the holder of such interest under section 702 with respect to such interest for such taxable year,

''(iii) by treating property which is taken into account in determining gains and losses to which section 1231 applies as capital assets held for more than 1 year, and

''(iv) without regard to section 1202.

''(B) NET CAPITAL LOSS.—The term 'net capital loss' means the excess of the losses from sales or exchanges of capital assets over the gains from such sales or exchanges. Rules similar to the rules of clauses (i) through (iv) of subparagraph (A) shall apply for purposes of the preceding sentence.

''(5) SPECIAL RULES FOR DIVIDENDS.—

''(A) INDIVIDUALS.—Any dividend allocated to any investment services partnership interest shall not be treated as qualified dividend income for purposes of section 1(h).

''(B) CORPORATIONS.—No deduction shall be allowed under section 243 or 245 with respect to any dividend allocated to any investment services partnership interest.

''(b) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

''(1) GAIN.—

''(A) IN GENERAL.—Any gain on the disposition of an investment services partnership interest shall be—

''(i) treated as ordinary income, and

''(ii) recognized notwithstanding any other provision of this subtitle.

''(B) EXCEPTIONS—CERTAIN TRANSFERS TO CHARITIES AND RELATED PERSONS.—Subparagraph (A) shall not apply to—

''(i) a disposition by gift,

''(ii) a transfer at death, or

''(iii) other disposition identified by the Secretary as a disposition with respect to which it would be inconsistent with the purposes of this section to apply subparagraph (A),

if such gift, transfer, or other disposition is to an organization described in section 170(b)(1)(A) (other than any organization described in section 509(a)(3) or any fund or account described in section 4966(d)(2)) or a person with respect to whom the transferred interest is an investment services partnership interest.

''(2) LOSS.—Any loss on the disposition of an investment services partnership interest shall be treated as an ordinary loss to the extent of the excess (if any) of—

''(A) the aggregate amount treated as ordinary income under subsection (a) with respect to such interest for all partnership taxable years to which this section applies, over

''(B) the aggregate amount treated as ordinary loss under subsection (a) with respect to such interest for all partnership taxable years to which this section applies.

''(3) ELECTION WITH RESPECT TO CERTAIN EXCHANGES.—Paragraph (1)(A)(ii) shall not apply to the contribution of an investment services partnership interest to a partnership in exchange for an interest in such partnership if—

''(A) the taxpayer makes an irrevocable election to treat the partnership interest received in the exchange as an investment services partnership interest, and

''(B) the taxpayer agrees to comply with such reporting and recordkeeping requirements as the Secretary may prescribe.

''(4) DISTRIBUTIONS OF PARTNERSHIP PROPERTY.—

''(A) IN GENERAL.—In the case of any distribution of property by a partnership with respect to any investment services partnership interest held by a partner, the partner receiving such property shall recognize gain equal to the excess (if any) of—

''(i) the fair market value of such property at the time of such distribution, over

''(ii) the adjusted basis of such property in the hands of such partner (determined without regard to subparagraph (C)).

''(B) TREATMENT OF GAIN AS ORDINARY INCOME.—Any gain recognized by such partner under subparagraph (A) shall be treated as ordinary income to the same extent and in the same manner as the increase in such partner's distributive share of the taxable income of the partnership would be treated under subsection (a) if, immediately prior to the distribution, the partnership had sold the distributed property at fair market value and all of the gain from such disposition were allocated to such partner. For purposes of applying paragraphs (2) and (3) of subsection (a), any gain treated as ordinary income under this subparagraph shall be treated as an amount treated as ordinary income under subsection (a)(1)(A).

''(C) ADJUSTMENT OF BASIS.—In the case a distribution to which subparagraph (A) applies, the basis of the distributed property in the hands of the distributee partner shall be the fair market value of such property.

''(D) SPECIAL RULES WITH RESPECT TO MERGERS, DIVISIONS, AND TECHNICAL TERMINATIONS.—In the case of a taxpayer which satisfies requirements similar to the requirements of subparagraphs (A) and (B) of paragraph (3), this paragraph and paragraph (1)(A)(ii) shall not apply to the distribution of a partnership interest if such distribution is in connection with a contribution (or deemed contribution) of any property of the partnership to which section 721 applies pursuant to a transaction described in paragraph (1)(B) or (2) of section 708(b).

''(c) INVESTMENT SERVICES PARTNERSHIP INTEREST.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' means any interest in an investment partnership acquired or held by any person in connection with the conduct of a trade or business described in paragraph (2) by such person (or any person related to such person). An interest in an investment partnership held by any person—

''(A) shall not be treated as an investment services partnership interest for any period before the first date on which it is so held in connection with such a trade or business,

''(B) shall not cease to be an investment services partnership interest merely because such person holds such interest other than in connection with such a trade or business, and

''(C) shall be treated as an investment services partnership interest if acquired from a related person in whose hands such interest was an investment services partnership interest.

''(2) BUSINESSES TO WHICH THIS SECTION APPLIES.—A trade or business is described in

this paragraph if such trade or business primarily involves the performance of any of the following services with respect to assets held (directly or indirectly) by the investment partnership referred to in paragraph (1):

''(A) Advising as to the advisability of investing in, purchasing, or selling any specified asset.

''(B) Managing, acquiring, or disposing of any specified asset.

''(C) Arranging financing with respect to acquiring specified assets.

''(D) Any activity in support of any service described in subparagraphs (A) through (C).

''(3) INVESTMENT PARTNERSHIP.—

''(A) IN GENERAL.—The term 'investment partnership' means any partnership if, at the end of any calendar quarter ending after December 31, 2012—

''(i) substantially all of the assets of the partnership are specified assets (determined without regard to any section 197 intangible within the meaning of section 197(d)), and

''(ii) more than half of the contributed capital of the partnership is attributable to contributions of property by one or more persons in exchange for interests in the partnership which (in the hands of such persons) constitute property held for the production of income.

''(B) SPECIAL RULES FOR DETERMINING IF PROPERTY HELD FOR THE PRODUCTION OF INCOME.—Except as otherwise provided by the Secretary, for purposes of determining whether any interest in a partnership constitutes property held for the production of income under subparagraph (A)(ii)—

''(i) any election under subsection (e) or (f) of section 475 shall be disregarded, and

''(ii) paragraph (5)(B) shall not apply.

''(C) ANTIABUSE RULES.—The Secretary may issue regulations or other guidance which prevent the avoidance of the purposes of subparagraph (A), including regulations or other guidance which treat convertible and contingent debt (and other debt having the attributes of equity) as a capital interest in the partnership.

''(D) CONTROLLED GROUPS OF ENTITIES.—

''(i) IN GENERAL.—In the case of a controlled group of entities, if an interest in the partnership received in exchange for a contribution to the capital of the partnership by any member of such controlled group would (in the hands of such member) constitute property not held for the production of income, then any interest in such partnership held by any member of such group shall be treated for purposes of subparagraph (A) as constituting (in the hands of such member) property not held for the production of income.

''(ii) CONTROLLED GROUP OF ENTITIES.—For purposes of clause (i), the term 'controlled group of entities' means a controlled group of corporations as defined in section 1563(a)(1), applied without regard to subsections (a)(4) and (b)(2) of section 1563. A partnership or any other entity (other than a corporation) shall be treated as a member of a controlled group of entities if such entity is controlled (within the meaning of section 954(d)(3)) by members of such group (including any entity treated as a member of such group by reason of this sentence).

''(4) SPECIFIED ASSET.—The term 'specified asset' means securities (as defined in section 475(c)(2) without regard to the last sentence thereof), real estate held for rental or investment, interests in partnerships, commodities (as defined in section 475(e)(2)), cash or cash equivalents, or options or derivative contracts with respect to any of the foregoing.

''(5) RELATED PERSONS.—

''(A) IN GENERAL.—A person shall be treated as related to another person if the relationship between such persons is described in section 267(b) or 707(b).

''(B) ATTRIBUTION OF PARTNER SERVICES.—Any service described in paragraph (2) which is provided by a partner of a partnership shall be treated as also provided by such partnership.

''(d) EXCEPTION FOR CERTAIN CAPITAL INTERESTS.—

''(1) IN GENERAL.—In the case of any portion of an investment services partnership interest which is a qualified capital interest, all items of gain and loss (and any dividends) which are allocated to such qualified capital interest shall not be taken into account under subsection (a) if—

''(A) allocations of items are made by the partnership to such qualified capital interest in the same manner as such allocations are made to other qualified capital interests held by partners who do not provide any services described in subsection (c)(2) and who are not related to the partner holding the qualified capital interest, and

''(B) the allocations made to such other interests are significant compared to the allocations made to such qualified capital interest.

''(2) AUTHORITY TO PROVIDE EXCEPTIONS TO ALLOCATION REQUIREMENTS.—To the extent provided by the Secretary in regulations or other guidance—

''(A) ALLOCATIONS TO PORTION OF QUALIFIED CAPITAL INTEREST.—Paragraph (1) may be applied separately with respect to a portion of a qualified capital interest.

''(B) NO OR INSIGNIFICANT ALLOCATIONS TO NONSERVICE PROVIDERS.—In any case in which the requirements of paragraph (1)(B) are not satisfied, items of gain and loss (and any dividends) shall not be taken into account under subsection (a) to the extent that such items are properly allocable under such regulations or other guidance to qualified capital interests.

''(C) ALLOCATIONS TO SERVICE PROVIDERS' QUALIFIED CAPITAL INTERESTS WHICH ARE LESS THAN OTHER ALLOCATIONS.—Allocations shall not be treated as failing to meet the requirement of paragraph (1)(A) merely because the allocations to the qualified capital interest represent a lower return than the allocations made to the other qualified capital interests referred to in such paragraph.

''(3) SPECIAL RULE FOR CHANGES IN SERVICES AND CAPITAL CONTRIBUTIONS.—In the case of an interest in a partnership which was not an investment services partnership interest and which, by reason of a change in the services with respect to assets held (directly or indirectly) by the partnership or by reason of a change in the capital contributions to such partnership, becomes an investment services partnership interest, the qualified capital interest of the holder of such partnership interest immediately after such change shall not, for purposes of this subsection, be less than the fair market value of such interest (determined immediately before such change).

''(4) SPECIAL RULE FOR TIERED PARTNERSHIPS.—Except as otherwise provided by the Secretary, in the case of tiered partnerships, all items which are allocated in a manner which meets the requirements of paragraph (1) to qualified capital interests in a lower-tier partnership shall retain such character to the extent allocated on the basis of qualified capital interests in any upper-tier partnership.

''(5) EXCEPTION FOR NO-SELF-CHARGED CARRY AND MANAGEMENT FEE PROVISIONS.—Except as otherwise provided by the Secretary, an interest shall not fail to be treated as satisfying the requirement of paragraph (1)(A) merely because the allocations made by the partnership to such interest do not reflect the cost of services described in subsection (c)(2) which are provided (directly or indirectly) to the partnership by the holder of such interest (or a related person).

''(6) SPECIAL RULE FOR DISPOSITIONS.—In the case of any investment services partnership interest any portion of which is a qualified capital interest, subsection (b) shall not apply to so much of any gain or loss as bears the same proportion to the entire amount of such gain or loss as—

''(A) the distributive share of gain or loss that would have been allocated to the qualified capital interest (consistent with the requirements of paragraph (1)) if the partnership had sold all of its assets at fair market value immediately before the disposition, bears to

''(B) the distributive share of gain or loss that would have been so allocated to the investment services partnership interest of which such qualified capital interest is a part.

''(7) QUALIFIED CAPITAL INTEREST.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'qualified capital interest' means so much of a partner's interest in the capital of the partnership as is attributable to—

''(i) the fair market value of any money or other property contributed to the partnership in exchange for such interest (determined without regard to section 752(a)),

''(ii) any amounts which have been included in gross income under section 83 with respect to the transfer of such interest, and

''(iii) the excess (if any) of—

''(I) any items of income and gain taken into account under section 702 with respect to such interest, over

''(II) any items of deduction and loss so taken into account.

''(B) ADJUSTMENT TO QUALIFIED CAPITAL INTEREST.—

''(i) DISTRIBUTIONS AND LOSSES.—The qualified capital interest shall be reduced by distributions from the partnership with respect to such interest and by the excess (if any) of the amount described in subparagraph (A)(iii)(II) over the amount described in subparagraph (A)(iii)(I).

''(ii) SPECIAL RULE FOR CONTRIBUTIONS OF PROPERTY.—In the case of any contribution of property described in subparagraph (A)(i) with respect to which the fair market value of such property is not equal to the adjusted basis of such property immediately before such contribution, proper adjustments shall be made to the qualified capital interest to take into account such difference consistent with such regulations or other guidance as the Secretary may provide.

''(C) TECHNICAL TERMINATIONS, ETC., DISREGARDED.—No increase or decrease in the qualified capital interest of any partner shall result from a termination, merger, consolidation, or division described in section 708, or any similar transaction.

''(8) TREATMENT OF CERTAIN LOANS.—

''(A) PROCEEDS OF PARTNERSHIP LOANS NOT TREATED AS QUALIFIED CAPITAL INTEREST OF SERVICE PROVIDING PARTNERS.—For purposes of this subsection, an investment services partnership interest shall not be treated as a qualified capital interest to the extent that such interest is acquired in connection with the proceeds of any loan or other advance made or guaranteed, directly or indirectly, by any other partner or the partnership (or any person related to any such other partner or the partnership). The preceding sentence shall not apply to the extent the loan or other advance is repaid before January 1, 2013 unless such repayment is made with the proceeds of a loan or other advance described in the preceding sentence.

''(B) REDUCTION IN ALLOCATIONS TO QUALIFIED CAPITAL INTERESTS FOR LOANS FROM NONSERVICE-PROVIDING PARTNERS TO THE PARTNERSHIP.—For purposes of this subsection, any loan or other advance to the partnership made or guaranteed, directly or indirectly, by a partner not providing services described in subsection (c)(2) to the partnership (or any person related to such partner) shall be taken into account in determining the qualified capital interests of the partners in the partnership.

''(e) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—

''(1) IN GENERAL.—If—

''(A) a person performs (directly or indirectly) investment management services for any investment entity,

''(B) such person holds (directly or indirectly) a disqualified interest with respect to such entity, and

''(C) the value of such interest (or payments thereunder) is substantially related to the amount of income or gain (whether or not realized) from the assets with respect to which the investment management services are performed,

any income or gain with respect to such interest shall be treated as ordinary income. Rules similar to the rules of subsections (a)(5) and (d) shall apply for purposes of this subsection.

''(2) DEFINITIONS.—For purposes of this subsection—

''(A) DISQUALIFIED INTEREST.—

''(i) IN GENERAL.—The term 'disqualified interest' means, with respect to any investment entity—

''(I) any interest in such entity other than indebtedness,

''(II) convertible or contingent debt of such entity,

''(III) any option or other right to acquire property described in subclause (I) or (II), and

''(IV) any derivative instrument entered into (directly or indirectly) with such entity or any investor in such entity.

''(ii) EXCEPTIONS.—Such term shall not include—

''(I) a partnership interest,

''(II) except as provided by the Secretary, any interest in a taxable corporation, and

''(III) except as provided by the Secretary, stock in an S corporation.

''(B) TAXABLE CORPORATION.—The term 'taxable corporation' means—

''(i) a domestic C corporation, or

''(ii) a foreign corporation substantially all of the income of which is—

''(I) effectively connected with the conduct of a trade or business in the United States, or

''(II) subject to a comprehensive foreign income tax (as defined in section 457A(d)(2)).

''(C) INVESTMENT MANAGEMENT SERVICES.—The term 'investment management services' means a substantial quantity of any of the services described in subsection (c)(2).

''(D) INVESTMENT ENTITY.—The term 'investment entity' means any entity which, if it were a partnership, would be an investment partnership.

''(f) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as is necessary or appropriate to carry out the purposes of this section, including regulations or other guidance to—

''(1) provide modifications to the application of this section (including treating related persons as not related to one another) to the extent such modification is consistent with the purposes of this section, and

''(2) coordinate this section with the other provisions of this title.

''(g) CROSS REFERENCE.—For 40 percent penalty on certain underpayments due to the avoidance of this section, see section 6662.''.

(b) APPLICATION OF SECTION 751 TO INDIRECT DISPOSITIONS OF INVESTMENT SERVICES PARTNERSHIP INTERESTS.—

(1) IN GENERAL.—Subsection (a) of section 751 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by inserting ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

''(3) investment services partnership interests held by the partnership,''.

(2) CERTAIN DISTRIBUTIONS TREATED AS SALES OR EXCHANGES.—Subparagraph (A) of section 751(b)(1) of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of clause (i), by inserting ''or'' at the end of clause (ii), and by inserting after clause (ii) the following new clause:

''(iii) investment services partnership interests held by the partnership,''.

(3) APPLICATION OF SPECIAL RULES IN THE CASE OF TIERED PARTNERSHIPS.—Subsection (f) of section 751 of the Internal Revenue Code of 1986 is amended by striking ''or'' at the end of paragraph (1), by inserting ''or'' at the end of paragraph (2), and by inserting after paragraph (2) the following new paragraph:

''(3) investment services partnership interests held by the partnership,''.

(4) INVESTMENT SERVICES PARTNERSHIP INTERESTS; QUALIFIED CAPITAL INTERESTS.—Section 751 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(g) INVESTMENT SERVICES PARTNERSHIP INTERESTS.—For purposes of this section—

''(1) IN GENERAL.—The term 'investment services partnership interest' has the meaning given such term by section 710(c).

''(2) ADJUSTMENTS FOR QUALIFIED CAPITAL INTERESTS.—The amount to which subsection (a) applies by reason of paragraph (3) thereof shall not include so much of such amount as is attributable to any portion of the investment services partnership interest which is a qualified capital interest (determined under rules similar to the rules of section 710(d)).

''(3) RECOGNITION OF GAINS.—Any gain with respect to which subsection (a) applies by reason of paragraph (3) thereof shall be recognized notwithstanding any other provision of this title.

''(4) COORDINATION WITH INVENTORY ITEMS.—An investment services partnership interest held by the partnership shall not be treated as an inventory item of the partnership.

''(5) PREVENTION OF DOUBLE COUNTING.—Under regulations or other guidance prescribed by the Secretary, subsection (a)(3) shall not apply with respect to any amount to which section 710 applies.''.

(c) TREATMENT FOR PURPOSES OF SECTION 7704.—Subsection (d) of section 7704 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) INCOME FROM CERTAIN CARRIED INTERESTS NOT QUALIFIED.—

''(A) IN GENERAL.—Specified carried interest income shall not be treated as qualifying income.

''(B) SPECIFIED CARRIED INTEREST INCOME.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'specified carried interest income' means—

''(I) any item of income or gain allocated to an investment services partnership interest (as defined in section 710(c)) held by the partnership,

''(II) any gain on the disposition of an investment services partnership interest (as so defined) or a partnership interest to which (in the hands of the partnership) section 751 applies, and

''(III) any income or gain taken into account by the partnership under subsection (b)(4) or (e) of section 710.

''(ii) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of clause (i).

''(C) COORDINATION WITH OTHER PROVISIONS.—Subparagraph (A) shall not apply to any item described in paragraph (1)(E) (or so much of paragraph (1)(F) as relates to paragraph (1)(E)).

''(D) SPECIAL RULES FOR CERTAIN PARTNERSHIPS.—

''(i) CERTAIN PARTNERSHIPS OWNED BY REAL ESTATE INVESTMENT TRUSTS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Such partnership is treated as publicly traded under this section solely by reason of interests in such partnership being convertible into interests in a real estate investment trust which is publicly traded.

''(II) 50 percent or more of the capital and profits interests of such partnership are owned, directly or indirectly, at all times during the taxable year by such real estate investment trust (determined with the application of section 267(c)).

''(III) Such partnership meets the requirements of paragraphs (2), (3), and (4) of section 856(c).

''(ii) CERTAIN PARTNERSHIPS OWNING OTHER PUBLICLY TRADED PARTNERSHIPS.—Subparagraph (A) shall not apply in the case of a partnership which meets each of the following requirements:

''(I) Substantially all of the assets of such partnership consist of interests in one or more publicly traded partnerships (determined without regard to subsection (b)(2)).

''(II) Substantially all of the income of such partnership is ordinary income or section 1231 gain (as defined in section 1231(a)(3)).

''(E) TRANSITIONAL RULE.—Subparagraph (A) shall not apply to any taxable year of the partnership beginning before the date which is 10 years after January 1, 2013.''.

(d) IMPOSITION OF PENALTY ON UNDERPAYMENTS.—

(1) IN GENERAL.—Subsection (b) of section 6662 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (7) the following new paragraph:

''(8) The application of section 710(e) or the regulations or other guidance prescribed under section 710(h) to prevent the avoidance of the purposes of section 710.''.

(2) AMOUNT OF PENALTY.—

(A) IN GENERAL.—Section 6662 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(k) INCREASE IN PENALTY IN CASE OF PROPERTY TRANSFERRED FOR INVESTMENT MANAGEMENT SERVICES.—In the case of any portion of an underpayment to which this section applies by reason of subsection (b)(8), subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.''.

(B) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended by striking ''or (i)'' and inserting '', (i), or (k)''.

(3) SPECIAL RULES FOR APPLICATION OF REASONABLE CAUSE EXCEPTION.—Subsection (c) of section 6664 is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(B) by striking ''paragraph (3)'' in paragraph (5)(A), as so redesignated, and inserting ''paragraph (4)''; and

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

''(3) SPECIAL RULE FOR UNDERPAYMENTS ATTRIBUTABLE TO INVESTMENT MANAGEMENT SERVICES.—

''(A) IN GENERAL.—Paragraph (1) shall not apply to any portion of an underpayment to

which section 6662 applies by reason of subsection (b)(8) unless—

''(i) the relevant facts affecting the tax treatment of the item are adequately disclosed,

''(ii) there is or was substantial authority for such treatment, and

''(iii) the taxpayer reasonably believed that such treatment was more likely than not the proper treatment.

''(B) RULES RELATING TO REASONABLE BELIEF.—Rules similar to the rules of subsection (d)(3) shall apply for purposes of subparagraph (A)(iii).''.

(e) INCOME AND LOSS FROM INVESTMENT SERVICES PARTNERSHIP INTERESTS TAKEN INTO ACCOUNT IN DETERMINING NET EARNINGS FROM SELF-EMPLOYMENT.—

(1) INTERNAL REVENUE CODE.—

(A) IN GENERAL.—Section 1402(a) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of paragraph (16), by striking the period at the end of paragraph (17) and inserting ''; and'', and by inserting after paragraph (17) the following new paragraph:

''(18) notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) with respect to any entity, investment services partnership income or loss (as defined in subsection (m)) of such individual with respect to such entity shall be taken into account in determining the net earnings from self-employment of such individual.''.

(B) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—Section 1402 of the Internal Revenue Code is amended by adding at the end the following new subsection:

''(m) INVESTMENT SERVICES PARTNERSHIP INCOME OR LOSS.—For purposes of subsection (a)—

''(1) IN GENERAL.—The term 'investment services partnership income or loss' means, with respect to any investment services partnership interest (as defined in section 710(c)), the net of—

''(A) the amounts treated as ordinary income or ordinary loss under subsections (b) and (e) of section 710 with respect to such interest,

''(B) all items of income, gain, loss, and deduction allocated to such interest, and

''(C) the amounts treated as realized from the sale or exchange of property other than a capital asset under section 751 with respect to such interest.

''(2) EXCEPTION FOR QUALIFIED CAPITAL INTERESTS.—A rule similar to the rule of section 710(d) shall apply for purposes of applying paragraph (1)(B)(ii).''.

(2) SOCIAL SECURITY ACT.—Section 211(a) of the Social Security Act is amended by striking ''and'' at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting ''; and'', and by inserting after paragraph (16) the following new paragraph:

''(17) Notwithstanding the preceding provisions of this subsection, in the case of any individual engaged in the trade or business of providing services described in section 710(c)(2) of the Internal Revenue Code of 1986 with respect to any entity, investment services partnership income or loss (as defined in section 1402(m) of such Code) shall be taken into account in determining the net earnings from self-employment of such individual.''.

(f) CONFORMING AMENDMENTS.—

(1) Subsection (d) of section 731 of the Internal Revenue Code of 1986 is amended by inserting ''section 710(b)(4) (relating to distributions of partnership property),'' after ''to the extent otherwise provided by''.

(2) Section 741 of the Internal Revenue Code of 1986 is amended by inserting ''or section 710 (relating to special rules for partners providing investment management services to partnerships)'' before the period at the end.

(3) The table of sections for part I of subchapter K of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 710. Special rules for partners providing investment management services to partnerships.''.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years ending after December 31, 2012.

(2) PARTNERSHIP TAXABLE YEARS WHICH INCLUDE EFFECTIVE DATE.—In applying section 710(a) of the Internal Revenue Code of 1986 (as added by this section) in the case of any partnership taxable year which includes January 1, 2013, the amount of the net income referred to in such section shall be treated as being the lesser of the net income for the entire partnership taxable year or the net income determined by only taking into account items attributable to the portion of the partnership taxable year which is after such date.

(3) DISPOSITIONS OF PARTNERSHIP INTERESTS.—

(A) IN GENERAL.—Section 710(b) of such Code (as added by this section) shall apply to dispositions and distributions after December 31, 2012.

(B) INDIRECT DISPOSITIONS.—The amendments made by subsection (b) shall apply to transactions after December 31, 2012.

(4) OTHER INCOME AND GAIN IN CONNECTION WITH INVESTMENT MANAGEMENT SERVICES.—Section 710(e) of such Code (as added by this section) shall take effect on January 1, 2013.

Subtitle C—Close Loophole for Corporate Jet Depreciation

SEC. 421. GENERAL AVIATION AIRCRAFT TREATED AS 7-YEAR PROPERTY.

(a) IN GENERAL.—Subparagraph (C) of section 168(e)(3) of the Internal Revenue Code of 1986 (relating to classification of certain property) is amended by striking ''and'' at the end of clause (iv), by redesignating clause (v) as clause (vi), and by inserting after clause (iv) the following new clause:

''(v) any general aviation aircraft, and''.

(b) CLASS LIFE.—Paragraph (3) of section 168(g) Internal Revenue Code of 1986 is amended by inserting after subparagraph (E) the following new subparagraph:

''(F) GENERAL AVIATION AIRCRAFT.—In the case of any general aviation aircraft, the recovery period used for purposes of paragraph (2) shall be 12 years.''.

(c) GENERAL AVIATION AIRCRAFT.—Subsection (i) of section 168 Internal Revenue Code of 1986 is amended by inserting after paragraph (19) the following new paragraph:

''(20) GENERAL AVIATION AIRCRAFT.—The term 'general aviation aircraft' means any airplane or helicopter (including airframes and engines) not used in commercial or contract carrying of passengers or freight, but which primarily engages in the carrying of passengers.''.

(d) EFFECTIVE DATE.—This section shall be effective for property placed in service after December 31, 2012.

Subtitle D—Repeal Oil Subsidies

SEC. 431. REPEAL OF DEDUCTION FOR INTANGIBLE DRILLING AND DEVELOPMENT COSTS IN THE CASE OF OIL AND GAS WELLS.

(a) IN GENERAL.—Section 263(c) of the Internal Revenue Code of 1986 (relating to intangible drilling and development costs) is amended by adding at the end the following new sentence: ''This subsection shall not apply in the case of oil and gas wells with respect to amounts paid or incurred after December 31, 2012.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 432. REPEAL OF DEDUCTION FOR TERTIARY INJECTANTS.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by striking section 193 (relating to tertiary injectants).

(b) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 193.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 433. REPEAL OF PERCENTAGE DEPLETION FOR OIL AND GAS WELLS.

(a) IN GENERAL.—Section 613A of the Internal Revenue Code of 1986 (relating to limitation on percentage depletion in the case of oil and gas wells) is amended to read as follows:

''SEC. 613A. PERCENTAGE DEPLETION NOT ALLOWED IN CASE OF OIL AND GAS WELLS.

''The allowance for depletion under section 611 with respect to any oil and gas well shall be computed without regard to section 613.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 434. SECTION 199 DEDUCTION NOT ALLOWED WITH RESPECT TO OIL, NATURAL GAS, OR PRIMARY PRODUCTS THEREOF.

(a) IN GENERAL.—Subparagraph (B) of section 199(c)(4) of the Internal Revenue Code of 1986 (relating to income attributable to domestic production activities) is amended—

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

(2) by striking the period at the end of clause (iii) and inserting in lieu thereof '', or'', and

(3) by adding at the end thereof the following new clause:

''(iv) the production, refining, processing, transportation, or distribution of oil, natural gas, or any primary product (within the meaning of subsection (d)(9)) thereof.''.

(b) CONFORMING AMENDMENT.—Paragraph (9) of section 199(d) is amended to read as follows:

''(9) PRIMARY PRODUCT.—For purposes of subsection (c)(4)(B)(iv), the term 'primary product' has the same meaning as when used in section 927(a)(2)(C) as in effect before its repeal.''.

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

SEC. 435. REPEAL OIL AND GAS WORKING INTEREST EXCEPTION TO PASSIVE ACTIVITY RULES.

(a) IN GENERAL.—Paragraph (3) of section 469(c) of the Internal Revenue Code of 1986 (relating to passive activity defined) is amended by adding at the end thereof the following new subparagraph:

''(C) TERMINATION.—Subparagraph (A) shall not apply for any taxable year beginning after December 31 2012.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SEC. 436. UNIFORM SEVEN-YEAR AMORTIZATION FOR GEOLOGICAL AND GEOPHYSICAL EXPENDITURES.

(a) IN GENERAL.—Paragraph (1) of section 167(h) of the Internal Revenue Code of 1986 (relating to amortization of geological and geophysical expenditures) is amended by striking ''24-month'' and inserting in lieu thereof ''7-year''.

(b) CONFORMING AMENDMENTS.—Section 167(h) is amended—

(1) by striking ''24-month'' in paragraph (4) and inserting in lieu thereof ''7-year'', and

(2) by striking paragraph (5).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2012.

SEC. 437. REPEAL ENHANCED OIL RECOVERY CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 43 (relating to enhanced oil recovery credit).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 43.

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

SEC. 438. REPEAL MARGINAL WELL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business related credits) is amended by striking section 45I (relating to credit for producing oil and gas from marginal wells).

(b) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 45I.

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

Subtitle E—Dual Capacity Taxpayers

SEC. 441. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO DUAL CAPACITY TAXPAYERS.

(a) IN GENERAL.—Section 901 of the Internal Revenue Code of 1986 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

''(n) SPECIAL RULES RELATING TO DUAL CAPACITY TAXPAYERS.—

''(1) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer or any member of the worldwide affiliated group of which such dual capacity taxpayer is also a member to any foreign country or to any possession of the United States for any period shall not be considered a tax to the extent such amount exceeds the amount (determined in accordance with regulations) which would have been required to be paid if the taxpayer were not a dual capacity taxpayer.

''(2) DUAL CAPACITY TAXPAYER.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

''(A) is subject to a levy of such country or possession, and

''(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

''(3) REGULATIONS.—The Secretary may issue such regulations or other guidance as is necessary or appropriate to carry out the purposes of this subsection.''.

(b) CONTRARY TREATY OBLIGATIONS UPHELD.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts that, if such amounts were an amount of tax paid or accrued, would be considered paid or accrued in taxable years beginning after December 31, 2012.

SEC. 442. SEPARATE BASKET TREATMENT TAXES PAID ON FOREIGN OIL AND GAS INCOME.

(a) SEPARATE BASKET FOR FOREIGN TAX CREDIT.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) combined foreign oil and gas income (as defined in section 907(b)(1)).''.

(b) COORDINATION.—Section 904(d)(2) of such Code is amended by redesignating subparagraphs (J) and (K) as subparagraphs (K) and (L) and by inserting after subparagraph (I) the following:

''(J) COORDINATION WITH COMBINED FOREIGN OIL AND GAS INCOME.—For purposes of this section, passive category income and general category income shall not include combined foreign oil and gas income (as defined in section 907(b)(1)).''.

(c) CONFORMING AMENDMENTS.—

(1) Section 907(a) is hereby repealed.

(2) Section 907(c)(4) is hereby repealed.

(3) Section 907(f) is hereby repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) TRANSITIONAL RULES.—

(A) CARRYOVERS.—Any unused foreign oil and gas taxes which under section 907(f) of such Code (as in effect before the amendment made by subsection (c)(3)) would have been allowable as a carryover to the taxpayer's first taxable year beginning after December 31, 2012 (without regard to the limitation of paragraph (2) of such section 907(f) for first taxable year) shall be allowed as carryovers under section 904(c) of such Code in the same manner as if such taxes were unused taxes under such section 904(c) with respect to foreign oil and gas extraction income.

(B) LOSSES.—The amendment made by subsection (c)(2) shall not apply to foreign oil and gas extraction losses arising in taxable years beginning on or before the date of the enactment of this Act.

Subtitle F—Increased Target and Trigger for Joint Select Committee on Deficit Reduction

SEC. 451. INCREASED TARGET AND TRIGGER FOR JOINT SELECT COMMITTEE ON DEFICIT REDUCTION.

(a) INCREASED TARGET FOR JOINT SELECT COMMITTEE.—Section 401(b)(2) of the Budget Control Act of 2011 is amended by striking ''$1,500,000,000,000'' and inserting ''$1,950,000,000,000''.

(b) TRIGGER FOR JOINT SELECT COMMITTEE.—Section 302 of the Budget Control Act of 2011 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following new subsection:

''(b) TRIGGER.—If a joint committee bill achieving an amount greater than '$1,650,000,000,000' in deficit reduction as provided in section 401(b)(3)(B)(i)(II) of this Act is enacted by January 15, 2012, then the amendments to the Internal Revenue Code of 1986 made by subtitles A through E of title IV of the American Jobs Act of 2011, shall not be in effect for any taxable year.''.

NOTICES OF INTENT TO SUSPEND THE RULES

Mr. COBURN. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, Paragraph 2, including germaneness requirements, for the purpose of proposing and considering amendment No. 670 to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 671 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 672 to S. 1619 or any related substitute amendment to S. 1619.

Mr. PAUL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 678 to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 680 to S. 1619 or any related substitute amendment to S. 1619.

Mr. JOHANNS. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 692 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 703 to S. 1619 or any related substitute amendment to S. 1619.

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 720 to S. 1619

or any related substitute amendment to S. 1619.

(The afore mentioned amendments are printed in the RECORD of October 3, 2011, under ''Text of Amendments.'')

Mr. MCCONNELL. Mr. President, I submit the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend Rule XXII, including germaneness requirements, for the purpose of proposing and considering amendment No. 735 to S. 1619 or any related substitute amendment to S. 1619.

(The amendment is printed in today's RECORD under ''Text of Amendments'')

NOTICES OF HEARINGS

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Tuesday, October 11, 2011, at 1 p.m. at the Kellogg Conference Center, Gallaudet University, 800 Florida Avenue, NE, Washington, DC, to conduct a hearing entitled ''Leveraging Higher Education to Improve Employment Outcomes for People Who Are Deaf or Hard of Hearing.''

For further information regarding this hearing, please contact Andrew Imparato of the committee staff on (202) 228–3453.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Wednesday, October 12, 2011, at 2:30 p.m. in SD–430 to conduct a hearing entitled ''The State of Chronic Disease Prevention.''

For further information regarding this hearing, please contact Craig Martinez of the committee staff on (202) 224–7675.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in executive session on Tuesday, October 18, 2011, at 2:30 p.m. in SD–106 to mark up a bill that would reauthorize the Elementary and Secondary Education Act; and, any nominations cleared for action.

For further information regarding this meeting, please contact the committee on (202) 224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on October 5, 2011.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on October 5, 2011, at 2:30 p.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Considering the Role of Judges Under the Constitution of the United States.''

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON CONTRACTING OVERSIGHT

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Contracting Oversight of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on October 5, 2011, at 2 p.m. to conduct a hearing entitled ''Food Service Management Contracts: Are Contractors Overcharging the Government?''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ECONOMIC POLICY

Mrs. HAGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs' Subcommittee on Economic Policy be authorized to meet during the session of the Senate on October 5, 2011, at 10 a.m., to conduct a hearing entitled ''Consumer Protection and Middle Class Wealth Building in an Age of Growing Household Debt.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Juliana Richard and Kathryn Berge of my staff be granted floor privileges for the duration of today's proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIPINO AMERICAN HISTORY MONTH

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 287.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 287) designating October 2011 as ''Filipino American History Month.''

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 287) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 287

Whereas October 18, 1587, when the first ''Luzones Indios'' set foot in Morro Bay, California, on board the Manila-built galleon ship Nuestra Senora de Esperanza, marks the earliest documented Filipino presence in the continental United States;

Whereas the Filipino American National Historical Society recognizes the year of 1763 as the date of the first permanent Filipino settlement in the United States in St. Malo, Louisiana;

Whereas the recognition of the first permanent Filipino settlement in the United States adds new perspective to United States history by bringing attention to the economic, cultural, social, and other notable contributions that Filipino Americans have made in countless ways toward the development of the United States;

Whereas the Filipino-American community is the third largest Asian-American group in the United States, with a population of approximately 3,417,000 individuals;

Whereas Filipino-American servicemen and servicewomen have a longstanding history of serving in the Armed Forces, from the Civil War to the Iraq and Afghanistan conflicts, including the 250,000 Filipinos who fought under the United States flag during World War II to protect and defend the United States;

Whereas 9 Filipino Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed upon an individual serving in the Armed Forces;

Whereas Filipino Americans play an integral role in the United States health care system as nurses, doctors, and other medical professionals;

Whereas Filipino Americans have contributed greatly to music, dance, literature, education, business, literature, journalism, sports, fashion, politics, government, science, technology, the fine arts, and other fields in the United States that enrich the landscape of the country;

Whereas efforts should continue to promote the study of Filipino-American history and culture, as mandated in the mission statement of the Filipino American National Historical Society, because the roles of Filipino Americans and other people of color largely have been overlooked in the writing, teaching, and learning of United States history;

Whereas it is imperative for Filipino-American youth to have positive role models to instill in them the significance of education, complemented with the richness of

their ethnicity and the value of their legacy; and

Whereas Filipino American History Month is celebrated during the month of October 2011: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 2011 as ''Filipino American History Month'';

(2) recognizes the celebration of Filipino American History Month as—

(A) a study of the advancement of Filipino Americans;

(B) a time of reflection and remembrance of the many notable contributions Filipino Americans have made to the United States; and

(C) a time to renew efforts toward the research and examination of history and culture in order to provide an opportunity for all people in the United States to learn and appreciate more about Filipino Americans and their historic contributions to the United States; and

(3) urges the people of the United States to observe Filipino American History Month with appropriate programs and activities.

MEASURE READ THE FIRST TIME—S. 1660

Mr. REID. Mr. President, I am told that S. 1660 is at the desk and due for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1660) to provide tax relief for American workers and businesses, to put workers back on the job while rebuilding and modernizing America, and to provide pathways back to work for Americans looking for jobs.

Mr. REID. I ask for a second reading of this matter but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, OCTOBER 6, 2011

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, October 6, 2011; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate resume consideration of S. 1619, the Currency Exchange Rate Oversight Reform Act, with the time until 10:30 a.m. equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. The second-degree filing deadline for amendments to S. 1619 is at 10 a.m. tomorrow. There will be a rollcall vote at 10:30 a.m. tomorrow on the motion to invoke cloture on S. 1619, the China currency bill.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 8:09 p.m., adjourned until Thursday, October 6, 2011, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

PATTY SHWARTZ, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE MARYANNE TRUMP BARRY, RETIRED.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be brigadier general

COL. PETER R. MASCIOLA

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE VICE CHIEF OF STAFF OF THE ARMY AND APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 3034:

To be general

GEN. LLOYD J. AUSTIN III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JANET L. COBB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MARY A. LEGERE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. MICHAEL S. TUCKER

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TIMOTHY M. GIARDINA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM D. FRENCH

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KENT T. CRITCHLOW

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

CARLETON W. BIRCH
DEAN E. BONURA
DAVID M. BROWN
PETER M. BRZEZINSKI
MARC S. GAUTHIER
MITCHELL I. LEWIS
TERRY L. MCBRIDE
PETER L. MUELLER
ROBERT L. POWERS, JR.
CARL R. RAU
HARRY A. RAUCH III
MARK E. ROEDER
MICHAEL L. THOMAS
DARRELL E. THOMSEN, JR.
ROBERT C. WARDEN
TERRY L. WHITESIDE
ROBERT H. WHITLOCK
JERRY M. WOODBERY

IN THE NAVY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

WILLIAM B. CARTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JUDITH A. CIESLA

EXTENSIONS OF REMARKS

A TRIBUTE IN RECOGNITION OF UP2US

HON. MARCIA L. FUDGE
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. FUDGE. Mr. Speaker, I rise today to recognize Up2Us—a leader in sports based youth development—on the occasion of its annual awards ceremony for its Coach of the Year contest to be held here in Washington, D.C.

Up2Us is leading a national movement to advance sports as a tool for addressing the critical issues facing youth in this nation, including childhood obesity, academic failure and anti-social behavior.

Up2Us accomplishes this by supporting a national network of nearly 500 member organizations operating in all fifty states. Together, these organizations serve 25 million youth through both traditional and non-traditional sports. As one way of serving this network, Up2Us launched an initiative called Coach Across America.

The Up2Us Coach Across America (CAA) program is an AmeriCorps program that represents the first nationwide effort to mobilize a workforce to promote positive youth development through sports. In partnership with the Corporation for National and Community Service and Nike, CAA coaches use sports as a means to promote health and nutrition, education success, civic engagement and personal and social development among youth in some of the nation's poorest neighborhoods.

Last year, CAA placed 250 AmeriCorps members to serve as coaches in 105 youth programs across 20 states to work with more than 35,000 kids. In exchange for college tuition awards and a living stipend, coaches completed a total of 170,000 service hours (equivalent to $3.5 million in national service), recruited over 1000 program volunteers, connected roughly 500 new parents to their respective programs and conducted more than 250 service-learning projects totaling 35,000 hours of youth volunteer service effort.

The 35,000 kids served by CAA coaches have access to the programs they need for their full development; are provided a safe place to acquire new knowledge and skills; gain a heightened sense of competency and self-respect through working to make a difference in their communities; build relationships with caring adult role models; develop leadership skills on and off the field; and have a better understanding of healthy eating and the importance of physical activity and exercise.

In recognition of the powerful role that coaches have on the lives of youth, Up2Us runs an annual contest—Coach of the Year—to honor the unsung heroes who devote their lives to the positive development of youth through sports.

Mr. Speaker, as Up2Us and its participating members honor the winners of this year's Coach of the Year contest, I ask my colleagues to please join me in congratulating this year's finalists. They are among a distinguished group of individuals dedicated to improving the lives of our youth through sport.

Renato is the Executive Director of Access Youth Academy. He came to San Diego to join Access Youth Academy (formerly Surf City Squash) in May of 2007 from Harvard University where he was the Assistant Coach of the squash team. Originally from Brazil, Renato was a Brazilian Junior Champion and a top junior in South America. He represented his home country on the national team as its captain. Now, he is a role model, teacher and coach to hundreds of urban youth in San Diego.

Lisa Hawk is the Exercise & Health Science Department Chair, Athletic Director and lacrosse coach at the Preuss School at UCSD. The Preuss School is a nationally recognized school that serves a low income diverse population. Lisa is an advocate for sports as a tool for positive youth development and is changing lives through her work. Her athletes recognize how special Lisa is: ''She sees the potential in each of her players and does not quit until that spark she sees within us is released for the public eye to see. She has helped me through the turbulence of a teenage life to the hectic lifestyle at home and has given me a comfortable place to go as well as someone to turn to.''

Ktrice McNeill is the 2011 Coach Across America Coach of the Year recipient. Ktrice recently completed his year of service coaching basketball at Edenwald Community Center in New York. Ktrice is a NY native influenced by his parents who reminded him daily that ''without education you have nothing.'' Growing up in an inner city where gang violence and drugs were prevalent, Ktrice understands first-hand that ''sports give me and other young people in my community a safe haven to feel secure and feel like there's not a care in the world.'' As a coach, Ktrice aims to use his voice to teach young people that ''failure is not an option.''

Faye Stevens-Jett is a Physical Education Teacher and Athletic Director at Morton School of Excellence in Chicago, Illinois. For the past eleven years, she has coached double dutch, cheerleading, and pom-pom. In addition to her many city championships, she has impacted many young lives through her work. Faye received several nominations highlighting her work ethic and commitment to her students: ''Faye goes above and beyond the call of duty to make sure her students have the things they need. She is consistently incredible.''

I also want to recognize Up2Us' entire staff of employees and volunteers. They are all to be commended for their work to keep Up2Us the vibrant and strong organization that it remains today; I extend to all of them my best wishes for many more successful years ahead. Indeed they are demonstrating that advancing the lives of our youth is a team sport.

CONGRATULATING THE REPUBLIC OF CHINA (TAIWAN) ON ITS 100TH ANNIVERSARY

HON. DON YOUNG
OF ALASKA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. YOUNG of Alaska. Mr. Speaker, I wish to express my heartfelt congratulations to the Republic of China (Taiwan) on their upcoming centennial anniversary of becoming the first democracy in Asia on October 10, 1911. The annual celebration of this event is known as ''Double Ten Day,'' and celebrates the start of the Wuchang Uprising which established the Republic of China.

Since the Taiwan Relations Act of 1979, Taiwan has been a true friend and long term ally with the United States. Both the U.S. and Taiwan have maintained strong trade ties stemming from our close friendship; I hope these ties continue to advance and expand in the future.

Alaskan and Taiwanese relations are also close as Taiwan is the only country with whom Alaska has a codified relationship agreement. In 2004, leaders from both Alaska and Taiwan established the Taiwan-Alaska Trade and Investment Cooperation Council to further extend collaboration between Alaska and Taiwan. Because of this collaboration, both Alaska and Taiwan have greatly benefitted from the many cultural exchanges, and improved trade and transport relations. In fact, in 2010, Taiwan was Alaska's 16th largest export power and received $23 million in exports including forest products, energy, and machinery. However, since 2008, Alaska has exported $143 million to Taiwan making it Alaska's 9th largest trading partner over the last 3 years.

I would like to congratulate Taiwan on its 100th anniversary and thank them for their role as an important strategic ally of the United States.

IN RECOGNITION OF TAIWAN'S CENTENNIAL NATIONAL DAY

HON. DOUG LAMBORN
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LAMBORN. Mr. Speaker, on October 10th, the Republic of China will celebrate its Centennial National Day. The United States of America and Taiwan enjoy a close and strong relationship based on shared democratic values and free market economies.

While welcome, the improved relations between the two sides does not eliminate the need for the United States to continue to help Taiwan's defense capabilities under the Taiwan Relations Act. Based on that act, the United States should continue to aid Taiwan in replacing its aging air force. According to the

most recent Department of Defense report on Taiwan's military power, China currently enjoys air superiority over Taiwan.

In recent decades, we witnessed how Taiwan evolved from authoritarian rule to a vibrant democracy. Taiwan also has been a reliable political, economic and cultural ally of the United States. In recent years, Taiwan has been very strong in cooperating with us against global terrorism.

It is also my view that we must continue to support Taiwan's participation in global affairs by supporting Taiwan and its 23,000,000 people in becoming a member of the United Nations. An internationally visible Taiwan is a strong Taiwan.

Today, Taiwan remains a major trading partner and friend. Our strong economic and cultural ties go back nearly a hundred years. We hope that this strong bond will continue for another 100 years and more. Congratulations to the people of the Republic of China (Taiwan) on their Centennial National Day.

CONGRATULATING TAIWAN ON THEIR 100TH ANNIVERSARY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. TOWNS. Mr. Speaker, on October 10, 2011, The Republic of China (Taiwan) celebrates their 100th anniversary and I want to congratulate our friends in Southeast Asia on this most important of milestones.

One hundred years ago a Chinese doctor, Sun Yat-sen, rose up against the Qing rulers of China to free his people from their tight grip. The end result of this uprising led to the formation of what is now known as The Republic of China (Taiwan).

Over these last 100 years, Taiwan has become a beacon of democracy in the Pacific and a champion for peace and human rights in that part of the world. Taiwan is a strong proponent of the same freedoms we enjoy here in the United States such as freedom of speech, freedom of the press and freedom of religion.

Taiwan's President, Ma Ying-jeou is also to be congratulated for his work in maintaining peace in the Pacific by reducing tension with China, their neighbors along the Taiwan Strait.

Again, congratulations to Taiwan. We look forward to our continued friendship over the next 100 years and beyond.

KEEP AMERICA'S WATERFRONTS WORKING ACT OF 2011

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. PINGREE of Maine. Mr. Speaker, coastal communities across this Nation are in trouble. Economically important working waterfront jobs are disappearing. Businesses that require access to the water are closing their doors, fishing wharves are being turned into condos. And, the cultural identity of our waterfront communities is dissolving.

I live in a community built around a working waterfront. My friends and neighbors on North Haven need access to the coastline to land their lobsters, store their bait, load and unload their lobster traps. They need a place to keep their skiffs and park their trucks. Elsewhere on the coast, working waterfronts are critical connections between the ocean and land for boat builders, marina operators, aquaculturists, seafood processors, charter boat captains and crew, recreational fishing businesses, and many others who require access to the water. These businesses need to be located on the water and require access to the water for their business models to work. Water dependent, coastal-related businesses are the cultural and economic heart of many of our coastal communities and working waterfronts are quickly disappearing under tremendous pressures from incompatible use and development trends.

Of Maine's 3,300 miles of coastline, less than 20 miles support commercial fishing and other traditional marine-based activities. This small portion of the coastline contributes $800 million to Maine's economy and provides direct or indirect employment for about 30,000 people. As the coastline became more developed, traditional uses disappeared, giving way to condos, summer houses, and other noncompatible uses. These changes in how coastal communities use their land present one of the primary challenges facing Maine's working waterfronts.

This problem is not unique to Maine, it occurs on all of our coasts and in the Great Lakes region. Across the country, working waterfront jobs are quickly disappearing under the tremendous pressure communities face from conversion to incompatible uses. Once these businesses close, once the waterfronts and waterways stop supporting water dependent businesses, the businesses do not come back. And, many states and local communities have recognized this dangerous trend and are taking action to preserve waterfront dependent businesses. In recognition of the national importance of working waterfronts, local community and state representatives have come together to form a national working waterfronts and waterways council that has helped put on symposiums that bring people to the table with the tools and knowledge needed to develop sustainable working waterfronts around the Nation. But, local communities and states need help at the federal level.

It is time to help maintain working waterfronts through a federally authorized program that will serve to support, implement, and further develop working waterfront preservation efforts across the nation. That is why I am introducing legislation with Representatives ROBERT E. ANDREWS, EARL BLUMENAUER, MADELEINE Z. BORDALLO, LOIS CAPPS, DONNA M. CHRISTENSEN, GERALD E. CONNOLLY, SAM FARR, BOB FILNER, WILLIAM R. KEATING, BARBARA LEE, MIKE MCINTYRE, JAMES P. MORAN, PEDRO R. PIERLUISI, MICHAEL QUIGLEY, LOUISE M. SLAUGHTER, PAUL TONKO, and LYNN C. WOOLSEY that encourages states to seriously think about these areas and how to best protect them. While recognizing the common problem of disappearing waterfront access for businesses, this program will also provide the flexibility that different states and local governments need to address working waterfronts around the Nation.

Our legislation amends the Coastal Zone Management Act to establish a Working Waterfronts program. This legislation embodies the spirit of the CZMA in that it allows each coastal state to determine what working waterfronts are important to the people of that state, which working waterfronts are most threatened, and who should be protecting them—the state, local or regional government, or a collaborative public-private partnership.

The CZMA was developed as a tool to allow states the flexibility to manage their coasts in a manner that fits that particular coast. The CZMA recognizes separate needs of various coastal states and provides the flexibility to states to manage their coastal resources. The working waterfront program creates a grant program that states can apply for. In order for states to be eligible for a working waterfront grant, the state must have a working waterfront plan that requires a thoughtful, collaborative, public process to identify the value and importance of working waterfronts. This bill is not designed to require states to undergo a completely new or comprehensive planning process but rather to utilize existing information, planning, and programs at state and local levels to the greatest extent possible. Finally, the bill provides technical assistance to the states to develop these plans as well as other tools to protect working waterfronts.

Maintaining working waterfronts preserves and creates coastal jobs, but also jobs beyond the water's edge. Waterfront and waterway businesses support entire economies that depend on the American tradition of marine-based trades. The Keep America's Waterfronts Working Act of 2011 will serve to maintain jobs in our communities and maintain the American tradition of coastal and waterways industry.

IN RECOGNITION OF CALLY COLEMAN FROMME

HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. FARENTHOLD. Mr. Speaker, I rise today to honor Cally Coleman Fromme, Executive Vice President of Zarsky Lumber Company in Victoria, Texas. Founded in 1928, Zarsky Lumber has ten locations throughout Texas, including Corpus Christi, Kingsville, Harlingen and Los Fresnos, serving builders, contractors and consumers.

On October 26, 2011, Cally Fromme will become the first woman to lead the National Lumber and Building Material Dealers Association (NLBMDA) as chair of the board. NLBMDA represents the interests of over 6,000 lumber and building material dealers across the country.

Prior to becoming NLBMDA chair, Cally served as chair-elect and vice chair of NLBMDA. She also served as chair of the Association's Regulatory, Codes and Standards Committee and as president of the Lumbermen's Association of Texas and Louisiana, becoming the first woman to hold that position as well.

A native of Victoria, Texas, Cally graduated with a degree in Business Administration from Southwestern University in Georgetown, Texas. She has been honored as one of the Magazine of the Golden Crescent's 2010 Top 5 Businesswomen, as a two time Paul Harris Fellowship winner, and as a North American

Retail Hardware Association (NRHA) 2011 Top Gun.

Cally has a long history providing service to others, especially in her hometown, as the first woman president of the 92-year-old Victoria Rotary Club and a Red Coat Ambassador for the Greater Victoria Area Chamber of Commerce. Cally has also worked on the boards of the Victoria Economic Development Corporation, the Victoria Regional Museum Association, the Trinity Episcopal School and the Planning Commission for the City of Victoria. She has been politically active since she was a congressional intern in Washington, DC.

Cally is married to Travis Fromme, and they have two children, Karoline, age 10 and Coleman, age 7.

Congratulations to Cally Fromme for her many achievements throughout her career, and I wish her the best of luck in her future endeavors.

HONORING THE LIEUTENANT ASA STEVENS CHAPTER

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of the 90th anniversary of the Lieutenant Asa Stevens Chapter of the Daughters of the American Revolution, and four of its most distinguished members: Ms. Nancy Forbes Owlett, Ms. Susan Kerrick Achromatic, Ms. Esther Jean House Mills, and Ms. Connie Jean Mills Keir. These four women embody the spirit of the DAR and have devoted countless years to this organization which stands for the promotion of American patriotism, preservation, and prosperity.

Ms. Nancy Forbes Owlett of Towanda, Pennsylvania has been a member of the Lt. Asa Stevens Chapter since October 16, 1971 and has held the offices of Librarian and Registrar. She has devoted herself through service on several DAR committees, including; Genealogy Records, National Defense, Membership, and DAR Library.

Ms. Susan Lerrick Achromatic has also been a long-time member of the Lt. Asa Stevens Chapter, having served since October 13, 1979.

Ms. Ester Jean House Mills of Towanda, Pennsylvania joined the DAR under her ancestor, Private Jonathan Stevens, son of Lieutenant Asa Stevens. Ms. Mills has severed as the Chapter's treasurer for all 22 years that she has been a member and has sat on several committees including; Programs, Indians, and DAR Schools.

Ms. Connie Jean Mills Keir of Ulster, Pennsylvania joined her mother, Ms. Ester Jean House Mills, to serve in the Lt. Asa Stevens Chapter on October 12, 1996. In her time with the Chapter, Ms. Keir has served as both Regent and Vice Regent, as well as devoting her time to committees such as Conservation and Genealogy Records.

Mr. Speaker, I rise today to honor the Lieutenant Asa Stevens Chapter of the Daughters of the American Revolution, and ask my colleagues to join me in praising the commitment of this organization to the continued memory and spirit of those who defended our nation's independence.

TRADE LAW ENFORCEMENT ACT OF 2011

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. TURNER of Ohio. Mr. Speaker, trade agreements have the potential to increase export opportunities for U.S. businesses by removing market access barriers. However, U.S. companies' ability to take advantage of opportunities created by these, and existing, U.S. trade pacts depends on their government's willingness to enforce its trade agreements. Currently, U.S. companies face many non-tariff barriers (NTBs) that violate existing trade agreements. This bill offers an additional way for U.S. companies to get the United States Trade Representative (USTR) to act on market access barriers that are unlawful under any U.S. trade agreement.

NTBs are devices other than tariffs that are used to restrict the flow of imports into an economy. Under current law, the USTR has the ability to retaliate against a wide variety of unfair trade practices, including market access problems caused by NTBs. Sections 301 through 310 of the Trade Act of 1974, as amended, (Section 301), give USTR a mandate to take retaliatory action when the rights of the United States under any trade agreement are being denied. USTR starts this process by initiating an investigation that includes formal negotiations with the country suspected of being in breach of an agreement. Should the issue not be resolved through negotiation, at the end of the investigation, USTR issues a determination as to whether the trade practice at issue is denying U.S. rights under an agreement. If the determination is affirmative, the USTR enters the formal dispute settlement process.

While U.S. producers can petition the USTR to take action under Section 301, they seldom do. During 2010 USTR initiated only one Section 301 investigation in response to a petition. To put together a petition that has even a chance of passing USTR's scrutiny, companies have to hire an expensive Washington law firm to compile a copious amount of information and advocate for them before the USTR. Tens of thousands of dollars later, there is no guarantee that their petition will be accepted, or that the trade practices in question will be addressed in a timely fashion. This is not a realistic option for a small or medium-sized company, especially one that is losing business due to unfair trade practices.

My bill will use a market access complaint process that the Department of Commerce's International Trade Administration (ITA) already has in place a starting point for possible action under Section 301. ITA will have 180 days to resolve interested party complaints that a foreign country is engaging in an act, policy or practice that acts as a non-tariff barrier; if ITA is unable to resolve the issue, the bill mandates that the Secretary of Commerce issue an opinion as to whether the reported NTB meets the criteria for mandatory USTR action under Section 301. If Commerce issues an affirmative opinion, the bill mandates that USTR initiate a Section 301 investigation. Further, the bill clarifies that subsections of the law giving USTR discretion not to start an investigation do not apply and gives interested parties the opportunity to request a hearing.

Only the U.S. government can ensure that U.S. trade agreements are enforced. U.S. companies should have every opportunity to have their complaints investigated and acted on. Even if only one small company makes a complaint about a specific NTB, it is highly probable that the NTB affects multiple companies in multiple sectors. Without strong enforcement of its agreements, the United States cannot get the full benefits from free trade. Given the opportunity, U.S. companies can compete with the best in the world and can grow and create good private sector jobs. This bill is one step towards ensuring that U.S. companies have the opportunity to achieve their full potential competing in the global marketplace.

Mr. Speaker, I urge all my colleagues to support this important bill.

PAYING TRIBUTE TO ST. MARY'S BENEVOLENT SOCIETY'S 100TH ANNIVERSARY

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HINCHEY. Mr. Speaker, I rise today to honor the celebration of St. Mary's Benevolent Society's 100th Anniversary. The Society is an organization that provides social and community enrichment for Italian-American's in Kingston, New York and the greater community. St. Mary's Benevolent Society is a beloved meeting hall and a cornerstone of the local community. I am proud that the constituents of New York's 22nd Congressional District continue to support the traditions and values of this esteemed fraternity.

From its creation in 1911, St. Mary's Benevolent Society has been committed to providing social club members with an environment that fosters camaraderie through hosting large gatherings, dinners, and church services. The Society's original mission was to help each other in times of illness or distress; a mission still carried on today. In addition to these traditions that continue a century later, the Society also maintains three church services a year: Christmas Day, Easter Sunday and the Feast Day of St. Mary. These highly esteemed gatherings have contributed to the success and respect of St. Mary's Benevolent Society.

Kingston has changed greatly since 1911, yet St. Mary's Benevolent Society continues to thrive in our community and hold true to its core values of providing Italian-Americans with support and services that are essential to the community. Mr. Speaker, it gives me a great pleasure to recognize St. Mary's Benevolent Society as it celebrates its 100th Anniversary during its Annual Feast of Saint Mary. I am confident that St. Mary's Benevolent Society will continue to thrive and be an asset to the City of Kingston for many years to come.

TRIBUTE TO THE LIFE OF CARLOS APARICIO

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. BACA. Mr. Speaker, I rise today to ask Congress to pay tribute to a fallen soldier and

unsung hero, Carlos Aparicio. Carlos was killed while serving on September 23, 2011, at the age of 19. A viewing will be held on Friday, October 7th, at Ingold Funeral Chapel in Fontana. A memorial mass will be held on Saturday, October 8th at St. Thomas More Catholic Church in Rialto. Burial will follow at Riverside National Cemetery.

Carlos was born on January 9, 1992, in Fontana, California to Concepcion and Hugo Aparicio. He was the youngest of three children. He had an older sister, Maricela, age 26, and an older brother, Miguel, age 29. He grew up in Fontana and moved to Redlands in 2008. He attended Fontana High School before graduating from Redlands East Valley High School in 2010. In high school, he was a standout member of the football and wrestling teams. He also excelled in the classroom—Carlos had a love for literature, and could often be found reading. He earned straight As on his last report card.

Carlos enlisted in the Army in June 2010 after graduating from high school. After training at Fort Benning, Georgia, he went to Fort Pork in January 2011. He deployed to Afghanistan in February 2011. He was an infantryman with the 2nd Battalion, 4th Infantry Regiment, 4th Brigade Combat Team, 10th Mountain Division, Fort Pork, Louisiana.

Carlos died in Wardak province from wounds sustained when insurgents used an improvised explosive device to attack his unit, according to the Defense Department. He earned the Bronze Star, the Purple Heart, the Army Achievement Medal, the Army Good Conduct Medal, the National Defense Service Medal, the Afghanistan Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal and the Combat Infantry Badge.

His mother recalls that Carlos wanted to devote his life to serving in the military. ''He told us he loved America and he wanted to make a difference. He felt his purpose in life was to make the country safer,'' his mother says. The last thing Carlos told his mother was that his goal was to earn a Gold Star and become an Officer.

His mother remembers him as an outstanding young man who achieved everything he set his mind to do. ''He was outgoing and touched a lot of lives. He was a very happy person,'' she says. His sister remembers Carlos for his big heart, intelligence and down to earth nature. ''He was our hero,'' she says.

Carlos leaves with cherished memories his parents, two siblings, and his two grandmothers, Juana Torres and Audelia Aparicio. My thoughts and prayers, along with those of my wife, Barbara, and my children, Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Carlos' family at this time. Mr. Speaker, I ask my colleagues to join me today in honoring a true hero, Carlos Aparicio.

HONORING JAMES AND ROSE LENOX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituents, James and Rose Lenox, on the occasion their 60th wedding anniversary.

Rose Homan was married to James Francis Lenox on October 20, 1951 at Saints Peter and Paul Roman Catholic Church in Towanda, Pennsylvania.

Attendants for James included: Frank Hoffman, Leo Lenox, and John Finlan. Attendants for Rose included: Betty Homan, Alice Bustin, and Rita May. A reception following the ceremony was held at the Homan Farm.

Jim and Rose are the parents of three children; Kathy, David, and Rosemary, and are the grandparents of eight. Jim and Rose have been an asset to their community, devoting themselves to family, God, and country.

Mr. Speaker, I rise today to honor my constituents, Jim and Rose, on their 60th wedding anniversary and ask my colleagues to join in praising their commitment to one another.

CONTINUING APPROPRIATIONS ACT, 2012

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 4, 2011

Mr. VAN HOLLEN. Mr. Speaker, today's Continuing Resolution avoids an unnecessary government shutdown—and it does so in a manner that does not unduly threaten job creation or undermine our economic recovery.

Specifically, this CR extends FY 2011 discretionary funding at approximately 98.5 percent for agencies and programs through November 18 of this year. The 1.5 percent cut brings funding in line with the $1.043 Trillion top line called for in the Budget Control Act agreement. Additionally, today's bill supports the postal service, extends the flood insurance program and funds vital disaster relief through November 18.

As Ranking Member of the Budget Committee, I would prefer timely completion of our annual appropriations bills. But in the absence of regular order, this relatively clean, bipartisan CR is preferable to the alternative.

I urge a yes vote.

A CONGRESSIONAL RESOLUTION RECOGNIZING ALICE WISEMAN ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Alice Wiseman for her induction into the Greene County Women's Hall of Fame.

Ms. Alice Wiseman along with five other candidates were selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of Public Education.

Ms. Wiseman, has been a teacher at Sugarcreek Local Schools for 30 years. During this time she has never stopped in her effort to educate children. As a teacher, she was ahead of her time identifying and accommodating students with learning difficulties, challenging gifted students and serving as a mentor to new teachers. After retiring, Alice authored an elementary level book, The History of Bellbrook, which is used in conjunction with the third-grade curricular tie-in to a tour of the town, for which she serves as director. She has been an Ohio Reads program tutor, a member of the Bellbrook Family Resource Center Board, and currently is the President of the Bellbrook-Sugarcreek Historical Society. She is also an elected member of the Greene County Educational Service Center Board of Governors.

Thus, with great pride, I congratulate Ms. Alice Wiseman for her exemplary service to Greene County and extend best wishes for the future.

HONORING DOUGLAS EDWARD DAHILL

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. JORDAN. Mr. Speaker, I rise today to honor the life and memory of an Allen County hero, Douglas Edward Dahill, who died while bravely serving our country in Vietnam, on or about April 17, 1969.

Doug joined the Army after graduating from Lima Senior High School, following in the military tradition of his grandfather, father, and uncle—all veterans.

Shortly after his twentieth birthday, Doug and two fellow soldiers were dropped behind enemy lines on a reconnaissance mission in a dense northwest jungle of South Vietnam. On the mission's third day, his team came under severe enemy attack.

For the next 10 years, Doug was listed as missing in action. Very recently, remains returned from Vietnam in 1991 were positively identified as Doug Dahill and his two colleagues from the recon team.

At long last, Douglas Dahill will be laid to rest today in Arlington National Cemetery, bringing his family closure after more than four decades.

On behalf of the United States Congress and the families of Ohio's Fourth District, I want to thank Specialist Doug Dahill and his family for the selfless service and sacrifice they gave to this, the greatest nation in history.

I was moved by Doug's words, found in a portion of a letter he wrote to his family from Vietnam:

> I hope I haven't died in vain, but for a reason—the American way of life. . . . A lot of young American boys, rather men like myself, are dying in Vietnam now. Their eulogy would be that they died for a reason and not in vain. A job is being done and we're doing it. Sure, it's a dirty job, but freedom doesn't come easily.

Douglas Edward Dahill is an American hero who will never be forgotten. He will live forever in the hearts of every American he gave his life defending.

COMMENDING J. OSCAR WARD AND MEMBERS OF THE GREATER IRVING REPUBLICAN CLUB

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARCHANT. Mr. Speaker, I rise today to commend Mr. J. Oscar Ward of Irving, Texas, President of the Greater Irving Republican Club, and its members for their concern and respect for our Soldiers, Sailors, Airmen, Marines, and Coast Guardsmen that are serving in harm's way. I appreciate their efforts in calling attention to the unfortunate extra challenges faced by the surviving family of Chief Warrant Officer Bradley Gaudet of Gladewater, Texas.

Chief Warrant Officer Gaudet was killed from injuries sustained in a helicopter crash on June 5, 2011 in Afghanistan. His surviving family faced significant hurdles and resistance from the military in transferring his body from Ft. Drum, New York to its final resting place in Gladewater, Texas. These are challenges that should never be a concern to a grieving family. I appreciate President J. Oscar Ward and the members of the Greater Irving Republican Club for their firm resolve in calling attention to the burial of Chief Warrant Officer Gaudet.

I would like to further recognize the assistance and kindness of Southwest Airlines for flying the body of this fallen hero from New York to Texas for his final resting place. Without their assistance, this situation could have been even worse for all of Chief Warrant Officer Gaudet's surviving family and loved ones.

We should never allow a situation similar to what happened to Chief Warrant Officer Gaudet to ever be experienced again by a grieving family. I call on my colleagues to help ensure that every possible consideration is made for every surviving family. I am requesting that any rules and regulations that may preclude the proper burial at the location of the surviving family's choosing of a brave American hero be promptly changed. We must avoid anything similar to this ever occurring again.

HONORING THE SERVICE AND MEMORY OF REVOLUTIONARY WAR PATRIOTS STEPHEN HEARD, JOHN DARDEN, MAMMY KATE, DADDY JACK, DIONYSUS OLIVER, AND PETER OLIVER

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. BROUN of Georgia. Mr. Speaker, I rise today to honor the memory of Governor Stephen Heard, Captain John Darden, Mammy Kate, Daddy Jack, Captain Dionysus Oliver, and Peter Oliver for their patriotic service accomplished during the American Revolution.

Stephen Heard, who served as Governor of Georgia in 1781, Captain John Darden, Captain Dionysus Oliver, and Peter Oliver all fought courageously in the American War of Independence. Mammy Kate and Daddy Jack, who were slaves at the time, played a pivotal role as well. When their master, Heard, was captured at the Battle of Kettle Creek, the British condemned him to die. But on the eve of Heard's execution, Mammy Kate and Daddy Jack rescued him from the British prison at Fort Cornwallis, and for their heroic deeds, Heard awarded them their freedom.

All six of these Revolutionary War patriots are buried in what is currently Elbert County, Georgia. On October 15, 2011, the community will honor the memory of these patriots with a grave marking dedication conducted by the Stephen Heard and Kettle Creek Chapters of the National Society Daughters of the American Revolution, and the Samuel Elbert, Button Gwinnett, and Washington-Wilkes Chapters of the Georgia Society Sons of the American Revolution.

Mr. Speaker, it is my honor to pay tribute to these six brave heroes, who with countless other patriots, successfully achieved for us American liberty and made way for our nation to stand as a beacon of freedom and hope to the rest of the world.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on Monday, October 3, I requested and received a leave of absence for October 3 and 4 to attend official business in my congressional district. The President of the United States came to my district on Tuesday, October 4, 2011.

For the information of our colleagues and my constituents, below is how I would have voted on the following votes I missed during this time period.

On rollcall No. 742, to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, I would have voted ''yes.''

On rollcall No. 743, to amend the National Forest Ski Area Permit Act of 1986 to clarify the authority of the Secretary of Agriculture regarding additional recreational uses of National Forest System land that is subject to ski area permits, I would have voted ''yes.''

On rollcall No. 744, to convey certain submerged lands to the Commonwealth of the Northern Mariana Islands in order to give that territory the same benefits in its submerged lands as Guam, the Virgin Islands, and American Samoa have in their submerged lands, I would have voted ''yes.''

On rollcall No. 745, Continuing Appropriations Act, 2012 (Small Business Program Extension and Reform Act of 2011), I would have voted ''yes.''

On rollcall No. 746, providing for consideration of H.R. 2681, to provide additional time for the EPA to issue standards for cement manufacturing facilities, and for consideration of H.R. 2250, to provide additional time for the EPA to issue standards for industrial, commercial, and institutional boilers, process heaters, and incinerators, I would have voted ''no.''

SALUTING MR. LOUIS E. JAMES, PRESIDENT AND CEO SOLUTIONS FOR ENERGY EFFICIENCY LOGISTICS (SEEL)

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to recognize Mr. Louis E. James, President and Chief Executive Officer of Solutions for Energy Efficient Logistics (SEEL), recipient of the 2011 Andromeda Star of Energy Efficiency Award. Louis James has done Mississippi and his Alma Mater, Mississippi Valley State University in Itta Bena, Mississippi, proud.

SEEL, a Detroit-based minority owned enterprise was recognized by the Washington, DC-based organization, Alliance to Save Energy, for advancing energy efficiency. SEEL was selected for the award based upon its unprecedented commitment to provide energy-efficiency services to residents in the city of Detroit, its surrounding communities and throughout the state of Michigan. Specifically, SEEL is responsible for transitioning Detroit jobs from ''blue'' collar to ''green'' collar and successfully implementing energy efficiency programs for DTE Energy Neighborhood Energy Savings Outreach (NESO) program. As the facilitator of these programs, SEEL has increased efficiency at more than 25,000 properties and helped to boost neighborhood morale in its service areas and customer satisfaction for its client, DTE Energy. More significant is that Louis James created job opportunities in his area—hiring more than 75 new employees to implement the programs for which SEEL received the award.

Again, I ask that my colleagues congratulate Mr. Louis E. James and SEEL for receiving the prestigious ''Star of Energy of Efficiency Awards'' and for its outstanding achievements in energy efficiency and savings.

PERSONAL EXPLANATION

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. VAN HOLLEN. Mr. Speaker, on rollcall No. 745, I was unavoidably detained. Had I been present, I would have voted ''yea.''

A CONGRESSIONAL RESOLUTION RECOGNIZING SANDY SKINN ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Sandy Skinn for her induction into the Greene County Women's Hall of Fame.

Ms. Sandy Skinn, along with five other candidates, was selected from a pool of many worthy women to receive this honor, and thus,

she was nominated for her great endeavors in Girl Scouting.

Ms. Skinn has worked closely with co-leader and fellow inductee Jan Dobo. Sandy has worked for over 30 years to promote the positive qualities of leadership skills, strong values, confidence and conviction about self-worth to young women. The troop led by Ms. Skinn and Ms. Dobo have maintained an open troop, reaching out to girls interested in joining the Girl Scouts from beyond their North Beavercreek neighborhood. Her love of the outdoors has led to many camping trips, both in Ohio and as far as Maine for activities ranging from outdoor survival training, to week-long sailing and adventures. Sandy and Jan have been co-chairs of the Beavercreek North Service Unit, which serves over 500 girls, as a Council area of Greene, Warren, Miami, Montgomery and Clark Counties. Additionally, Sandy has served as the Greene County representative on the Buckeye Trails Girls Scout council Board, which covered a multi-county area, and she has also served on various Council committees.

Thus, with great pride; I congratulate Ms. Sandy Skinn for her exemplary service to Greene County and extend best wishes for the future.

IN RECOGNITION OF FATHER DANIEL G. CAHILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Reverend Daniel G. Cahill. On September 17, 2011, Father Dan will be recognized as Festival Chieftain at the Irish Festival at the Jersey Shore in Sea Girt, New Jersey. Father Dan continues to provide outstanding spiritual guidance for the members of the Monmouth County community. His exceptional service is highly deserving of this body's recognition.

Father Dan, fondly referred to as ''Donnie'' by his family and peers, was the third of six children raised on a small farm in the village of Gortdarrig, County Kerry in Ireland. At the age of thirteen, Father Dan was enrolled at St. Brendan's Seminary in Killarney, Ireland. His attendance at this prestigious institution later influenced his future decision to become a priest. Upon graduation from St. Brendan's, Father Dan entered All Hallows Seminary College in Dublin, Ireland, an organization recognized for preparing men to serve as missionary priests in foreign countries. During his time in the Seminary, Father Dan also spent a summer abroad working in various New Jersey parishes alongside the late Father Thomas O'Connor, former Pastor of St. Robert Bellermine in Freehold, New Jersey. His positive experience serving in New Jersey later influenced his decision to accept a position as a recruit from the Diocese of Trenton. Father Dan was ordained on June 17, 1973 at the age of twenty-four. He served for many years in the parishes of St. Anthony of Padua in Hightstown, New Jersey and St. Anthony in Trenton, New Jersey. In 1989 he became the Pastor of St. Ann's Church in Browns Mills, New Jersey. Father Dan currently presides as Pastor of the Church of St. Ann in Keansburg, New Jersey and has held this position since 1995.

In addition to his work with the ministry, Father Dan provides spiritual guidance to various Christian organizations, specifically the Ancient Order of Hibemians (AOH). He served as the New Jersey State AOH Chaplain for nineteen years during which time his outstanding spiritual leadership assisted the organization in fulfill their motto of Friendship, Unity and Christian Charity. He continues to serve as the Chaplain for the Ancient Order of Hibemians Pat Torphy Division—Monmouth 2, located in Middletown, New Jersey, and hosts an annual mass in recognition of those lost during the Great Hunger. Father Dan also serves as the Chaplain of the Knights of Columbus Vincent T. Lombardi Council.

Mr. Speaker, once again, please join me in congratulating Father Daniel Cahill for receiving the esteemed title of Festival Chieftain at the Irish Festival at the Jersey Shore. His extraordinary spiritual leadership continues to guide Monmouth County Bayshore community, my district, and the State of New Jersey.

HONORING JAMES LENOX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, James Lenox, on the occasion of his 80th birthday.

James Francis Lenox was born on June 1, 1931 in Towanda, Pennsylvania. He attended Saint Agnes School through 8th grade, and then went on to graduate from Towanda High School, where he served as captain of the football team. James attended Hamilton College in New York for one year on a football scholarship. After working at Towanda's Sylvania Plant, Mr. Lenox began a 25-year tenure with Pennsylvania Electric.

James has been an active member of his community his entire life. Mr. Lenox grew up attending Saints Peter and Paul Roman Catholic Church, where he served as an altar boy and still regularly attends. Additionally, James sat on the board of the Wysox Sewer Authority, and has served on the Towanda School Board for 26 years.

Mr. Lenox has been married to his wife Rose nee Homan for 60 years. Together, James and Rose have three children (Kathy, David, and Rosemary) and eight grandchildren.

Mr. Speaker, I rise today to honor my constituent, James Lenox, on the occasion of his 80th birthday, and ask my colleagues to join in praising his commitment to his family and country.

CONGRATULATING THE REPUBLIC OF CHINA (TAIWAN) ON THEIR 100TH ANNIVERSARY

HON. ANDY HARRIS

MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HARRIS. Mr. Speaker, it is proper and fitting that the United States offer our sincere congratulations to The Republic of China (Taiwan) on the 100th anniversary of the origins of their Democracy on October 10, 2011.

Taiwan is a true democracy and a beacon of freedom in a part of the world where it is notably needed. A true strategic ally of the U.S., Taiwan has led the fight for freedom, equal education and advancement of human rights in many areas across the globe.

Taiwan is also a willing partner in helping to respond to the economic melt-down which has so adversely affected the world economy. President Ma Ying-jeou has made stabilizing the world economy a priority, for which he should be congratulated.

RECOGNIZING DR. ADAM G. RIESS, THE 2011 PHYSICS NOBEL PRIZE WINNER, FOR HIS OUTSTANDING ACHIEVEMENTS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SARBANES. Mr. Speaker, I rise today to recognize Dr. Adam G. Riess, who was recently awarded the Nobel Prize for his outstanding contributions to the field of physics. Dr. Riess is a constituent of mine living in Baltimore, Maryland.

The Nobel Prize is awarded each year to recipients for outstanding achievement in physics, chemistry, medicine, literature, and peace. These prestigious awards, which were established through the generosity and vision of Albert Nobel, are reserved for the most important discoveries and inventions.

Dr. Riess, who is a professor of physics and astronomy at Johns Hopkins University and a senior staff member at the Space Telescope Science Institute, shares the 2011 physics award with two other scientists for their combined discovery that the universe is expanding at an accelerated rate—a concept that Albert Einstein first introduced but could never fully explain or prove. This discovery was made through extensive years of studying the explosions of supernova stars.

Johns Hopkins University is a Maryland institution second to none in the world and Dr. Riess is the fourth member of the faculty to receive the Nobel Prize. Hopkins, the affiliated Applied Physics Lab, the National Institutes of Health, and other premier scientific institutions in our state showcase the best of public-private partnerships and have produced innovations that change the world and power our local economy. Dr. Riess' discoveries, and the many breakthroughs and innovations that are accomplished in partnership with the federal government, underscore the importance of federal funding for scientific research. Dr. Riess indicated that the Hubble Space Telescope, in particular, was critical to his research.

I applaud Dr. Riess' outstanding achievement as it reflects many years of study and hard work and a deep commitment to scientific innovation. Congratulations to Dr. Riess and his colleagues for their groundbreaking work in the field of physics and for their extraordinary contributions to science.

H.R. 2681 AND H.R. 2250

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SENSENBRENNER. Mr. Speaker, I rise today in strong support of H.R. 2681, the Cement Sector Regulatory Relief Act, and H.R. 2250, the Environmental Protection Agency (EPA) Regulatory Relief Act, which are common-sense bills that will reduce uncertainty in the marketplace, and allow businesses to compete and grow.

We can no longer continue with the failed economic policies of the past couple of years. As was seen with the nearly $1 trillion failed stimulus program from last year, throwing money at our economic problem does not create jobs. Instead, we need to tackle the heart of the issue and create an environment that attracts new businesses and allows them to successfully compete in our global economy. Industries across all sectors have been reluctant to expand, in large part due to the uncertainty over the slew of heavy-handed government regulations. I believe reducing and eliminating these costly regulations will stimulate confidence and allow small businesses to grow and be successful.

Today and tomorrow, Members will have an opportunity to vote on legislation to delay two of these job-killing regulations and give industry officials more time to come into compliance. H.R. 2681 and H.R. 2250 are two important bills that will give the EPA 15 months to re-propose and finalize regulations on boilers, process heaters, incinerators, and cement manufacturing facilities. Additionally, these bills instruct the EPA to establish new rules that are actually achievable, and are in the least burdensome regulatory standard.

The Cement MACT and Boiler MACT rules are two examples of over-regulation by the government that are estimated to cost billions of dollars and hundreds of thousands of jobs. The Boiler MACT regulations are estimated to affect approximately 200,000 boilers, and have a compliance cost of approximately $14.4 billion, threatening 200,000 jobs. Even the EPA has admitted that more time was needed to consider this rule, given the outpouring of concerns they received from industry officials. The impact of the Boiler MACT regulations will be felt across a wide range of industry sectors including agriculture, chemical, biomass power, forest and paper, refining and municipal utilities. I believe we need to give the EPA more time to reconsider this rule, and we must also give those affected by it a reasonable amount of time to comply.

Additionally, the Cement MACT regulations are another set of rules that will have major implications on jobs. According to the Portland Cement Association (PCA), the likely cost of compliance for the cement industry is estimated at $3.4 billion, nearly half of the industry's annual revenues. It will cost an additional $2 billion to comply with incinerator requirements. The PCA estimates that almost 20 percent of the domestic industry will potentially shutdown due to these regulations. In addition to the jobs lost by the plant closures, the effect of rising cement prices on our already struggling construction industry is cause for serious concern.

I am mindful of the fact that we must do our part to preserve our environment for future generations, which includes reasonable environmental regulations. However, it is troubling to see the EPA's total disregard for our current economic situation, and its push for unrealistic and unattainable goals that are stifling economic growth. Just last month, President Obama addressed a joint session of Congress demanding that Congress pass legislation to restore confidence in our economy and create jobs. I am pleased that House Republicans have once again brought to the floor legislation that does just that. I strongly support passage of H.R. 2681 and H.R. 2250, and urge my colleagues to support these bills.

FRANCES REEVES JOLLIVETTE CHAMBERS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. BROWN of Florida. Mr. Speaker, Frances Reeves Jollivette Chambers, warmly known as Fran, was born on November 13, 1921 in Overtown. She was the sixth of five surviving children born to The Miami Times Founder, the late Henry E.S. Reeves and Rachel Jane Cooper Reeves, who had emigrated in April 1919 from Nassau, Bahamas, to Miami. She wed Cyrus M. Jollivette, Sr., in December 1942. Widowed in January 1960, she wed James R. Chambers in July 1963; he died in June 2000. Her daughters are Miamians Regina Jollivette Frazier and Cleo Leontine Jollivette; her son, Cyrus M. Jollivette, resides in Mandarin, Florida. She is blessed with four grandchildren and three great-grandchildren.

After graduating from Booker T. Washington High in 1938, Chambers was awarded the Bachelor of Arts degree summa cum laude from Bennett College in 1942 and the Master of Arts degree from New York University in 1959. She later studied at the University of Miami and University of Florida and Florida A&M, Florida Atlantic, and Barry universities, amassing more post graduate credits than are required for the doctoral degree. She taught and guided generations of students at Dunbar Elementary, Miami Jackson Senior High, COPE Center North, and Holmes Elementary before retiring from the Dade County Public Schools in July 1979 after more than 37 years as a teacher, reading specialist, counselor, and principal.

Hers has been a lifetime of involvement. In the 1950s she was a volunteer for the March of Dimes and the American Heart Association. In the 1960s she was JESCA board chair, a board member of Senior Centers of Dade County and a member of the American Association of University Women. In the 1970s and 1980s she was a member of the Florida State Board of Optometry and the League of Women Voters. As a retiree in the 1990s she continued her community volunteerism and also traveled the world visiting more than 50 countries and six continents. She is a life member of Alpha Kappa Alpha Sorority and the NAACP, a platinum member of The Links, Inc., and a charter member and past president of the MRS Club, a six-decades-old group of friends. At Incarnation Episcopal Church she is a member of Daughters of the King.

In a far different world almost three decades ago she conceived, developed, and implemented the research plan to publish a book to record, preserve, and transmit the history of Miami's black pioneers. Her goal was to help assure that future generations could appreciate the long and difficult road so many Pioneer Miamians had traveled.

Her vision has been realized. The 120-page hard bound coffee table book, Linkages & Legacies, is being published in March 2010 by The Links, Inc., Greater Miami Chapter, through the non-profit Linkages and Legacies, Inc. The publication—a gift to the community—was made possible because so many gave so much and demonstrated the resolve to complete the project even though Chambers could no longer lead nor participate in the effort. It is because of her concept for the book that the AT&T African-American History Calendar was created 17 years ago. In 2010 Fran Chambers is recognized for her vision to help preserve and transmit our history for generations to come.

Since 2000, Fran Chambers has been afflicted with Alzheimer's disease and cared for at her home.

A CONGRESSIONAL RESOLUTION RECOGNIZING JAN DOBO ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Jan Dobo for her induction into the Greene County Women's Hall of Fame.

Ms. Jan Dobo along with five other candidates were selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in girl scouting.

Ms. Dobo has provided countless travel opportunities and taught valuable skills to hundreds of Junior, Cadette and Senior Girl Scouts for well over 30 years and on-going to this day. Despite suffering a debilitating stroke while on a scouting campout, Jan has continued to be deeply involved. Typically, Girl Scout Troops are organized within communities, but Jan and co-leader Sandy Skinn, have always maintained an open troop and allowed any girl to join without consideration of where she lived. The troop has had a reputation for working hard with women in order for them to achieve Gold Awards which is equivalent of an Eagle Scout in Boy Scouting. Jan has also volunteered her home over the last 30 years to be the Girl Scout Cookie Cupboard for the area. Jan has received many awards for her service, including the Thanks II Badge—the highest award to volunteers in Scouting.

Thus, with great pride, I congratulate Ms. Jan Dobo for her exemplary service to Greene County and extend best wishes for the future.

GRANTS FOR LOCAL STEM EDUCATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today in recognition of the Rancho Santiago Community College District (RSCCD) and California State University, Fullerton (CSUF), who have been selected as recipients of the Hispanic-Serving Institutions STEM and Articulation Programs Grant.

This highly competitive award will give each school approximately $1,200,000 in funding for the next five years and will help them to develop and expand their capacity to serve Hispanic and other low-income students.

I believe STEM education is fundamental to prepare our children for jobs in a more technically-oriented economy.

This is vital for our nation's economic security, and I am proud to have supported legislation that made this grant opportunity possible.

As a longtime advocate of STEM education, I am thrilled to see that students in my district, especially those most in need, will have the opportunity to excel in mathematics and the sciences.

This will make way for a competitive workforce that will increase minority participation in the STEM fields and lay the groundwork for a nation filled with educated and diverse individuals.

I congratulate Rancho Santiago Community College District and California State University, Fullerton for receiving such impressive grants.

THE 10TH ANNIVERSARY OF THE WAR IN AFGHANISTAN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, the war in Afghanistan will mark its 10 year anniversary this coming Friday. After 10 years, it is clear money is being wasted on military spending and wars that aren't making us safer, and are doing nothing for ordinary people in Afghanistan and Pakistan and beyond. It's working people in Michigan, and throughout the rest of the country, who understand that—but unfortunately not enough of my colleagues in Congress.

Sometimes it's only outside of Washington, DC, that the fundamental common sense of Americans shows up. This year the National Conference of Mayors passed a powerful resolution calling on the U.S. government to end the war in Afghanistan and to ''bring the war money home.'' It was the first time since the height of the Vietnam War, in 1971, that the Mayors took a clear anti-war position. The mayors understand that the money is there, but it's being diverted—away from jobs, away from the crucial investments in people that keep our workers employed, our children healthy, and our elders safe.

Americans get it—64 percent of Americans already say that the war in Afghanistan is just not worth fighting. But it sure seems like no one is listening. Because just this year, taxpayers in my congressional district are paying about $172 million just for our share of the war in Afghanistan. That war isn't doing anything to make us safer—the CIA and all the rest of the intelligence agencies admit there are only 50 or 100 al-Qaeda members even left in Afghanistan. But the numbers of civilian casualties are higher than they've been since this war began ten years ago.

And that 172 million in tax dollars? If we weren't wasting it on a failing war in Afghanistan we could use that money for something that really might help keep us safe—like hiring 3,275 firefighters for a year. We could retrofit 53,807 houses in my district to provide renewable electricity. Those war dollars could cover health care for 22,447 of our brave veterans, so many of whom are coming home from the wars with devastating physical and emotional injuries. Any of those things would keep us safer than wars that create more terrorists with every civilian casualty.

We can't afford to keep fighting counterproductive wars. The wars in Afghanistan and Iraq and Pakistan are not keeping us safe. It's time to end them; it's time to spend the money we need to bring our troops safely and quickly home. We have too much to rebuild in our cities and across our country, to waste our hard-earned tax dollars. Americans get it. After 10 years, it's time to bring our troops, and our war dollars home.

IN RECOGNITION OF PATROLMAN FRANK PAPAIANNI

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today in commemoration of Patrolman Frank Papaianni of Edison, New Jersey. On September 16, 1971, Patrolman Papaianni and his partner responded to a silent holdup alarm at a bank located within the Menlo Park Mall in Edison, New Jersey. The gunfire exchanged fatally wounded Patrolman Papaianni and critically wounded his partner. Today, members of the Edison community gather to remember and honor the life of Patrolman Frank Papaianni.

Patrolman Frank Papaianni was a noble officer who faithfully protected and served the local residents, businesses and visitors of Edison, New Jersey. Patrolman Papaianni served with the Edison Division of Police for three years and continued to personify his commitment and dedication to maintaining a safe and peaceful environment. He was survived by his wife Adeline and his three children, Maria, Joann and Frank. Lake Papaianni in Edison, New Jersey is named in honor of the late Patrolman.

Mr. Speaker, once again, please join me in commemorating the life of Patrolman Frank Papaianni and remembering him for his dedication to serve and protect the Township of Edison.

INTRODUCTION OF THE FAIRNESS IN THE AMERICAN TAX CODE ACT OF 2011

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the ''Fairness in the American Tax Code Act of 2011.''

During these difficult economic times, the wealthiest of Americans should be paying their fair share in taxes. Our nation's unemployment rate is over nine percent and yet, we have the lowest tax rates in decades. Why are we giving tax breaks to Wall Street CEOs and Big Oil Executives, instead of helping the millions of Americans who are struggling.

Thanks to loopholes in the tax code, M. Speaker, the rich keep getting richer. The top one percent of earners are responsible for 20 percent of the nation's annual income, up from 10 percent in 1981. The wealthiest CEOs are paid 400 times what the average worker earns. Only 30 years ago, it was 20 times as much.

Since President Ronald Reagan started lowering tax rates up until President George W. Bush slashed capital gains and income tax rates for the wealthy to their current historic lows, the wealthy have continued to pay less and less in taxes. As I travel throughout my district, into areas where the unemployment rate is over 40 percent, I ask myself where are the jobs and where did all the money go?

Americans in the highest tax bracket are supposed to pay 35 percent of their income in taxes. However, since President Bush slashed the capital gains rate to 15 percent, the top 400 wealthiest Americans, for example, pay only 15 percent in taxes on 80 percent of their income. As the law is currently written, any wealthy American paying the full 35 percent needs to get a new accountant.

My bill simply asks the wealthiest to pay their fair share. It produces a progressive ''job creation'' surtax for those making more than $350,000. The surtax increases gradually until those with incomes over $10 million are paying the same amount on all their income as the legally required statutory rate. M. Speaker, it is time for the wealthiest of Americans to pay their fair share in taxes.

An editorial in the New York Times recently noted: ''Critics also claim that raising the capital gains rate would hamstring investment. But economists studying the historical record have concluded that the effect is small, dwarfed by considerations like profit growth. The truth is that despite the current low tax rates, American businesses—small and big—are investing very little. Business surveys show that the main reason is that there are very few customers with money to buy their products.''

The wealthiest Americans have rigged the tax system in their favor to the detriment of the middle class. They've changed the rules to their own financial advantage. My bill will make our nation's tax code fairer.

Mr. Speaker, investing in America is the only way that we are going to create jobs. The Fairness in the American Tax Code Act of 2011 ensures the investments made for strictly personal gains are investments that will actually create jobs in America. I hope my colleagues on both sides of the aisle will join me

in supporting this critically important piece of legislation that will help to put our nation's economy back on track.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. COFFMAN of Colorado. Mr. Speaker, today our national debt is $14,856,859,498,405.73.

On January 6, 2009, the start of the 111th Congress, the national debt was $10,638,425,746,293.80.

This means the national debt has increased by $ 4,218,433,752,111.93 since then. This debt and its interest payments we are passing to our children and all future Americans.

A CONGRESSIONAL RESOLUTION RECOGNIZING MARGARET ''PEG'' ARNOLD ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Margaret Arnold for her induction into the Greene County Women's Hall of Fame.

Ms. Arnold along with five other candidates was selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the fields of Public Education and Government.

Ms. Arnold was elected to the Beavercreek Board of Education in 2000 and is still an active on the board. Under her leadership the district passed an $80 million dollar bond issue to build two new buildings in an effort to serve the rapidly growing population of the community. This was the first new school construction in 40 years. While it did take three attempts to gain the support of voters on the issue, she kept fighting for it until the plan was passed. She continues to play a key role to make sure the 2010 strategic plan is implemented properly. Further, Peg was awarded the Educator of the Year award by the Beavercreek Chamber of Commerce. At the same time, Peg is a certified level three acquisition professional and has been a highly successful and valued government employee at Wright-Patterson Air Force Base for over 30 years, in the contracting field. In 1994, Peg was named one of the top 100 Federal Government Employees by Federal Computer Magazine.

Thus, with great pride, I congratulate Ms. Margaret Arnold and wish her well in her service to the community.

HONORING KENT ELWOOD EDSELL

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Kent Elwood Edsell, on the occasion of his 80th birthday.

Kent Elwood Edsell was born in Bradford County, Pennsylvania on October 22, 1931. In 1950, Mr. Edsell graduated from LeRaysville High School and began working at DuPont in Towanda, Pennsylvania before entering the United States Marine Corps in 1951. After the Korean War, Kent was honorably discharged and began working for Jug Gerald. He then relocated to Nichols, New York, working for the Grange League Federation until he retired in 1992.

Mr. Edsell recently celebrated his 55th wedding anniversary with Catherine (nee Riley), whom he married on August 19, 1956 at the Saint Thomas Catholic Church of Little Meadows, Pennsylvania. Kent is the proud father of six (Larry, Barbara, Kevin, Andrew, Theresa, and Joel), grandfather of 14, and great grandfather of five.

A long-time baseball enthusiast and Yankee fan, Kent played baseball with North Orwell and the Tri-County League through the 1980s. In addition to his love of bowling, wood working, and hunting, Mr. Edsell is a long-time member of VFW Post 6824, having held a number of positions over the years.

Mr. Speaker, I rise today to honor my constituent, Kent Elwood Edsell, on the occasion of his 80th birthday, and ask my colleagues to join in praising his commitment to his family and country.

IN HONOR OF THE 75TH ANNIVERSARY OF THE FIRST ASSEMBLY OF GOD CHURCH—BOLIVAR, MISSOURI

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LONG. Mr. Speaker, it is with great pleasure that I rise today to congratulate the First Assembly of God Church in Bolivar, Missouri, on their 75th anniversary. I am honored to join them in their momentous milestone of celebrating 75 years of blessings.

In 1936, a small congregation in Bolivar, Missouri, received their official church charter from the Assemblies of God fellowship. Over the course of the last 75 years, First Assembly of God of Bolivar has served others with excellence, unity, and purpose.

First Assembly is a family-oriented, multigenerational church. They serve families and individuals through a variety of services and activities for all age groups, genders, and backgrounds. First Assembly believes that God makes His presence known in a variety of ways, and the church looks to Him to guide them in everything they do.

First Assembly is committed to the spiritual needs of the Bolivar community and provides their congregation the necessary tools to live a Christian lifestyle in an ever-changing world. By demonstrating the compassion of Jesus Christ, First Assembly of God reaches out to people of all backgrounds in Southwest Missouri to deliver their ministry of love.

The church also sponsors missionaries across the world, sending out members to spread the love and compassion of Jesus Christ. They have donated over $30,000 to purchase an African Tabernacle, vehicles, equipment, and study Bibles for international ministers.

It is clear that First Assembly has performed many great services and received many blessings over the past 75 years. I ask my distinguished colleagues to join me in congratulating First Assembly of God for their exceptional service and wish them the best for another 75 years of blessings.

THE 100TH ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mrs. CHRISTENSEN. Mr. Speaker, October 10th marks the 100th anniversary of China's Wuchang Uprising which led to the creation of the Republic of China, ROC, that now exists on Taiwan. The uprising marked the end of the Qing Dynasty in what is now the ROC, effectively ending 2,000 years of imperial rule and resulting in East Asia's now-oldest republic.

It is worthy of note that the Republic of China was born at a time when many repressive and colonial regimes ruled much of East Asia.

Its founding father, Sun Yat-sen, had hoped the ROC would one day develop into a fully democratic society modeled on many of the same principles and norms that he had observed while an adolescent in Hawaii. And though it came to pass well after he left this world, and on a different land mass, his dreams of representative democracy are an undeniable reality on Taiwan today.

The ROC's emulation of American principles and ideals has not been limited to the political arena. Time after time, whether it be in the struggle against fascism, the Korean War, the Vietnam War, or joining us in calling for the removal of Iraqi dictator Saddam Hussein in 2003, the ROC—be it housed on mainland China, or Taiwan—has stood shoulder to shoulder with the United States to defend and promote the very values and ideals that inspired Dr. Sun to create the ROC in the first place.

In recognition of all of the foregoing, I ask my colleagues to join me in congratulating the Republic of China on Taiwan on its 100th anniversary, while also acknowledging its Founding Fathers' foresight and—most of all—thanking the government and the people of Taiwan for their loyalty, friendship and support for an entire century.

H.R. 2681 AND H.R. 2250

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. LEWIS of Georgia. Mr. Speaker, the two bills, H.R. 2681 and H.R. 2250, are an affront public health and to our environment.

When we take our air, waters and land for granted; when we show a simple lack of respect for nature and our environment, we unmake God's good creation. Over 40 years ago, Republicans and Democrats passed the Clean Air Act because they believed that every American child deserved to breathe clean air. They believed that every American child deserved an environment free from toxic pollutants that cause cancer and impair their ability to learn.

EPA standards, like the ones attacked in this bill, did not run our economy off the cliff. EPA standards did not drive us into debt, or stop the banks from extending credit. But here we are, ready to stop common sense protections are 11 years overdue. If enacted, these bills would make damaging changes to the Clean Air Act. We would stop future EPA standards from protecting our children and our families from mercury and toxic air pollution. 2,500 lives are lost for every year these pollution reductions are delayed.

There are protesters right outside this building, Mr. Chairman. They want us to take up the American Jobs Act. They want it passed. They don't need another attack on the Clean Air Act. They don't need another attack on the public's health. We're wasting their time, Mr. Chairman.

It is my strong belief that our country needs environmental protections and that real protections do not have to come at the expense of jobs or our economy. Whatever we do to the earth, we do to each other. I urge my colleagues to vote no.

THE BREAST DENSITY AND MAMMOGRAPHY REPORTING ACT OF 2011

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. ISRAEL. Mr. Speaker, this year, more than 200,000 women will be diagnosed with breast cancer. We owe them every opportunity for early detection. Information on breast density can help both doctors and patients better understand a patient's risk of being diagnosed with breast cancer. This is why I am so pleased to join Representative DELAURO in introducing this extremely important piece of legislation. Mothers, daughters, sisters, grandmothers and aunts across America deserve all the information and resources possible when concerning their physical health. When we empower scientists, women and their doctors with knowledge, we take another step towards finding a cure.

ACKNOWLEDGING THE CONTRIBUTIONS OF THE REVEREND JESSE JACKSON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, this year, a memorial honoring the late Dr. Martin Luther King, Jr. was finally unveiled on the National Mall. This unveiling, which occurs during the presidency of the first African-American President of the United States, is, for many, the culmination of the movement for equality and civil rights that began with Dr. King in the 1950s and 60s.

However, those of us who have carried Dr. King's dream forward to the present understand that history isn't so neat and clean. While the arc of history does bend toward justice, it bends only because advocates for justice, peace, and human dignity have dedicated their lives to bending that arc through their leadership, determination, and sheer force of will.

My friend, the Revered Jesse Jackson, is one of those people. From his days standing alongside Dr. King in Selma, to his groundbreaking run for the presidency in 1988, Reverend Jackson's commitment to an uncompromising vision of racial harmony and economic opportunity for all Americans has inspired millions.

Perhaps the work Reverend Jackson is best known for are his efforts to fulfill the promise of America's great democratic experiment. Our history books teach us that the America established by our Founding Fathers purported to endow each American with certain fundamental rights. However, we all know that certain residents of this country—African-American slaves, immigrants, women, and those without property—were left out of this original social contract. Reverend Jackson has spent his life trying to remedy this failing—to expand the membership of our social contract and ensure that everyone feels welcome in our big, loud American family.

That's exactly what Reverend Jackson was doing when he founded the National Rainbow Coalition in 1984 and later ran for President in 1988. All of a sudden, millions of new voters—the young, ethnically and racially diverse minorities, the poor, and the politically marginalized all felt like they had a voice and a candidate who spoke for them. For the first time, many of them felt like they had ownership and a stake in the direction of their country. They realized they had power. I'm certain that the young people currently making headlines with their ''occupation'' of Wall Street owe much of their movement's energy to the groundwork laid down by Reverend Jackson in 1988, when he reminded America that ''people power'' is the only surefire way to successfully challenge an entrenched and corrupt power structure that favors a wealthy few.

Jesse Jackson has spent the last 50 years bending the arc of history towards justice. It is hard work, and a lesser man might be getting tired. For Reverend Jesse Jackson, the work of creating a more perfect union continues. Just last week, he marched with me through the streets of Detroit and spoke out on behalf of 41,000 mothers and children in Michigan who risk losing their access to the basic necessities of life because of cruel and misguided government policies. He was there to give a voice to the voiceless. That's just what he does. Mr. Speaker, this is why I am proud to acknowledge Reverend Jackson on the floor today for his life, his tremendous legacy, and, most of all, for the work that is yet to come.

A CONGRESSIONAL RESOLUTION RECOGNIZING DR. MARY AGNA ON HER INDUCTION IN TO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Dr. Mary Agna for her induction into the Greene County Women's Hall of Fame.

Dr. Mary Agna, along with five other candidates, was selected from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of public health.

Dr. Agna was the first woman Health Commissioner in Greene County, where she served from 1963 until 1970. During this time she started the first home care program within the County Health Department. She was also an Associate Professor and Vice Chair of the Department of Family Medicine and Community Health at the Wright State School of Medicine from 1979 to 1987, and, continues today as Emeritus Associate Professor. She also served on the State Public Health Council from 1974 unti1 1981. This council is the primary rule-making body for the State Department of Health. Her vision and leadership led to Greene County being recognized by the Ohio Council of Home Health Agencies and the Ohio Department of Health as one of Ohio's premier home health agencies.

Thus, with great pride, I congratulate Dr. Mary Agna for her exemplary service to Greene County and extend best wishes for the future.

PEOPLE'S MOJAHEDIN ORGANIZATION OF IRAN

HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. CHU. Mr. Speaker, last July, the DC U.S. Court of Appeals found that People's Mojahedin Organization of Iran, PMOI/MEK, was not awarded due process when their petition to be removed as a terrorist organization was denied by the State Department. The Court ordered the State Department in conjunction with the Attorney General to review the decision and make a decision.

But I stand here today, over 500 days after the Court made this decision, and the State Department still has not given a response. Every day of delay means another day where peaceful MEK democratic leaders and activists are at risk.

Nearly 100 of my colleagues have joined together by cosponsoring H. Res. 60 to ask the State Department to heed a federal court order and remove Iran's largest opposition group called the People's Mojahedin Organization of Iran, PMOI/MEK, from the U.S. list of Foreign Terrorist Organizations, FTO.

Because the U.S. needs to use its influence to protect Iranian dissidents fighting for democracy, Iran is using the U.S. terrorist designation to attack MEK leaders opposed to their rule. As long as the MEK is listed as a foreign terrorist organization, thousands of its members living in Camp Ashraf, Iraq are subject to further brutality by the Iraqi government. The longer we wait to remove the MEK from this list, the more we put Ashraf residents and fighters for democracy at risk.

STATEMENT CONGRATULATING 100TH ANNIVERSARY OF TAIWAN

HON. NAN A.S. HAYWORTH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. HAYWORTH. Mr. Speaker, October 10 marks the 100th anniversary of the creation of the Republic of China, which is now on Taiwan.

Just as the United States is considered a cultural melting pot, the Republic of China represents a society that has found success in embracing openness and respect for all citizens. As closely related and longstanding trade partners, the United States and Taiwan have a rich history of cooperating to create economic growth.

Since passage of the Taiwan Relations Act if 1979, the United States has been very supportive of the Republic of China, and, in turn, Taiwan has remained a friendly and faithful ally to the United States. America's support for the freedom, security, and stability of Taiwan stems from our shared foundation in individual liberty and from our mutual interest in defending peace and prosperity in the Pacific Rim region and throughout the world.

As a member of the Congressional Taiwan Caucus, I am committed to enhancing and strengthening U.S.-Taiwan relations, and ensuring that the Republic of China continues to thrive as a free and democratic country. I am working with my colleagues to ensure that Taiwan has the capacity to defend itself from potentially hostile nations, and to perpetuate the democratic ideals that inspired its creation.

I urge all my colleagues to join me in congratulating the Republic of China on completing its first century as a nation, and in renewing America's commitment to our common defense.

INTRODUCTION OF THE CONGRESS LEADS BY EXAMPLE ACT OF 2011

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. NORTON. Mr. Speaker, today, I introduce the Congress Leads by Example Act of 2011, to subject Congress and the rest of the legislative branch to the federal workplace laws and standards that protect individuals in the private sector and the executive branch. The Congressional Accountability Act of 1995, CAA, was an important first step in making the legislative branch accountable to its employees, but it did not finish the job. While the CAA did bring the legislative branch under thirteen major civil rights, labor, and workplace safety and health laws, it exempted the legislative branch from important notice and training provisions, and altogether omitted important substantive and administrative provisions.

The Congress Leads by Example Act of 2011 is a follow-up to my 2010 investigation of Capitol Visitor Center, CVC, staff complaints and the recommendations from the Office of Compliance, OOC, which revealed a gap in authority to enforce the Occupational Safety and Health Act of 1970, OSHA, provisions against the legislative branch. Last year, as chair of the Committee on Transportation and Infrastructure's Subcommittee on Economic Development, Public Buildings, and Emergency Management, I held a hearing examining claims by the OOC of an estimated 6,300 safety hazards in the U.S. Capitol complex, as well as complaints by CVC guides that they were compelled to work in uniforms inappropriate for outdoor work in the summer and winter, and that they had limits on their water consumption. Our hearing demonstrated that many of the safety hazards had been resolved, and the Architect of the Capitol assured us that they continue to correct the outstanding hazards with due speed. Eventually, the formation of a union local by CVC guides led to specific improvements in uniform and water consumption practices and policies.

In the 2010 report, Recommendations for Improvements to the Congressional Accountability Act, the OOC, which was created by the CAA, indentified additional provisions of federal workplace laws and standards that should be applicable to the legislative branch, including laws that grant the OOC General Counsel subpoena power, provide whistleblowers with protection from retaliation, and require the maintenance of employment records. In the 2011 report, State of the Congressional Workplace, the OOC presents the successes and shortcomings of the CAA by tracking the trends in legislative branch employee complaints and workplace safety hazards in fiscal year 2010. My bill takes into account the OOC reports, and seeks both to apply the standard of fairness to employees in the legislative branch that Congress requires for other employees and to provide a safer work environment for Capitol Hill employees by bringing the legislative branch further in line with what is legally required of private sector employers and the executive branch.

As Congress searches for ways to trim the federal budget, it would be timely to provide whistleblower protections to legislative branch employees so that they can report misuse of federal funds and other legal violations without fear of retaliation. My bill provides general whistleblower protections, also championed by Senators CHUCK GRASSLEY and CLAIRE MCCASKILL. My bill also makes applicable additional provisions under OSHA, including providing subpoena authority to the OOC to conduct inspections and investigations into OSHA violations and requiring the posting of notices in workplaces detailing employee rights to a safe workplace under OSHA.

This bill also furthers the CAA's mission to prevent discrimination by prohibiting adverse employment decisions on the basis of an employee's wage garnishment or involvement in bankruptcy proceedings pursuant to the Consumer Credit Protection Act, CCPA, and Chapter 11 of the bankruptcy code. The bill also requires employers to provide their employees with notice of their rights and remedies under the CAA anti-discrimination provisions through the placement of signage in offices highlighting relevant anti-discrimination laws, including Title VII of the Civil Rights Act, the Americans with Disabilities Act, and the Age Discrimination in Employment Act. The bill also requires legislative branch offices to provide training to employees about their CAA rights and remedies. Adding the CCPA and bankruptcy provisions will deter economic discrimination, while the notice and training provisions will empower legislative branch employees with the full knowledge of their rights.

Finally, the bill bolsters the CAA's recordkeeping requirements. It extends to the legislative branch the obligation to maintain accurate records of safety information and employee injuries, as required by OSHA, as well as the employee records necessary to administer the anti-discrimination laws. The enhanced recordkeeping requirements will facilitate better enforcement of laws.

On the eve of the CAA's passage, Senator OLYMPIA SNOWE may have best captured the intent of Congress and the will of the people when she remarked, ''Congress simply cannot continue to live above the law and call itself a body that is 'representative' of the America we live in today. After all, what kind of message does Congress send to Americans when it sets itself above the law? What kind of message does Congress send to America when it believes it is beholden to different standards? And how can Congress claim to pass laws in the best interest of the American people if Congress refuses to abide by those very same laws . . . Congress should be the very last institution in America to exempt itself from living under the nation's laws. Rather, Congress should always be the very first institution to be covered by the laws of the land, especially as the body legislating such laws.'' By passing this bill and heeding this wise call to action, Congress will help restore the faith of the public in this institution by redoubling our efforts to exercise leadership by example. I urge bipartisan support of this important measure.

THE RIPPLE EFFECT

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. POE of Texas. Mr. Speaker, here in America, we can walk in to our kitchen and turn on the faucet in order to get a drink of water. This routine has become so natural, that sometimes we forget how blessed our country is. Americans are lucky to be able to drink water without the fear that it could make them ill or put their lives in jeopardy. One young man in my congressional district became aware of how fortunate he was, and wanted to find a way to make a difference in the lives of those who did not have access to clean water. This young man, Nico Kroeker, began a business in October 2010 at 17 years old, in order to benefit people who are suffering from unsanitary water conditions.

Mr. Kroeker calls his project The Ripple Effect, and sells water bottles from his Web site in order to raise funds. Keeping nothing for himself, Mr. Kroeker takes all of the profits and puts them toward purchasing more water bottles to sell. A portion of the profits go to Living Water International, an organization that builds wells in villages where water is either unsanitary or difficult to obtain. Living Water International strategically places these wells near schools so women are able to get an education rather than travel long distances for unclean water.

Now wells do not last forever, which can be a problem with this type of program, but Living Water International has worked to find a solution to this. The organization works alongside the villagers teaching them how to build and maintain the wells. By doing this, the villagers are able to maintain the wells and fix them even after Living Water International has left.

Mr. Kroeker really liked how the fact that the organization did not just build the well and leave, but rather taught the villagers so they could become independent. Even though he is leaving for college in the fall of 2011, Mr. Kroeker still plans on managing his company from Blinn College in College Station, Texas. His company operates through a Web site, which will make it very convenient for Mr. Kroeker to balance his school work and continue to provide clean and safe water to people in need.

Mr. Speaker, I applaud this young Texan for taking action and making a difference in the lives of others.

And that's just the way it is.

THE BREAST DENSITY AND MAMMOGRAPHY REPORTING ACT OF 2011

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. DELAURO. Mr. Speaker, I rise today to introduce the Breast Density and Mammography Reporting Act of 2011, which will provide women and their health care providers with the information they need about identifying breast cancer risks and help to detect this deadly disease at the earliest possible stage.

One in eight women in the United States will develop breast cancer in their lifetime. This year alone, more than 230,000 Americans will be diagnosed with breast cancer and nearly 40,000 women will die of the disease. We know that there are risk factors, things that increase an individual's chance of developing for breast cancer—gender, family history of cancer, certain genetic mutations, and numerous others.

Among them is dense breast tissue. Women with more dense breast tissue have a relative risk of developing breast cancer that is four or more times higher than individuals with less dense breast tissue. And dense breast tissue may also make it more difficult to identify potential problems on mammograms.

This bill seeks simply to update the information that women and their health care providers receive after a mammogram. By including information on an individual's breast density in these reports, we can raise awareness among both patients and their physicians. We can help ensure appropriate screening, and help make sure that more women are diagnosed at an earlier stage of cancer.

This legislation has been endorsed by several national organizations, whose letters of support I hereby submit for the record. And it is based on strong legislation already enacted in my home state of Connecticut. But women should not live or die because of geography—we owe it to women across the country to ensure that they have access to the information they need to make informed decisions about their health. This legislation will help the women in our lives and their health care professionals access critical, potentially life-saving information, and I urge my colleagues to support our efforts.

OCTOBER 3, 2011.

Hon. ROSA L. DELAURO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO: On behalf of the Board of Directors of Are You Dense, Inc., we are pleased to support the Breast Density and Mammography Reporting Act of 2011. The grassroots breast density information effort began in Connecticut in 2004 when I was diagnosed with an advanced stage breast cancer after a decade of ''normal'' mammograms. When I questioned my breast surgeon why my cancer was detected at such an advanced stage, since I received a ''normal'' mammography report a few months earlier, her response was that I have dense breast tissue. This was the first time that I was informed about this critically important aspect of my breast health and what dense breast tissue meant to me for access to an Early Cancer Diagnosis. I began working with Connecticut State Senators Joan Hartley and Joseph Crisco and, with their unwavering support for Early Detection for women with dense breast tissue, Connecticut established itself as a leader in state legislation for breast density notification and expanded insurance coverage for women with dense breast tissue. I am so proud that you are leading the federal efforts to change the outcome of an advanced cancer to an early stage cancer for women across the country with dense breast tissue.

Research for more than a decade demonstrates that women with dense breast tissue' are at increased risk of breast cancer and have only a 40% chance of having their cancer detected by mammography alone. As density increases, the sensitivity of mammogram to ''see'' cancer decreases. Breast density is one of the strongest predictors of the failure of mammography screening to detect cancer.

A Harris Poll found that less than 1 in ten women team about their breast density from their health care providers and ninety-five percent of women do not know their breast density even though it is one of the highest risk factors for breast cancer. The Breast Density and Mammography Reporting Act of 2011 will correct this fatal flaw in the Early Detection of Breast Cancer by standardizing the communication of breast density to the patient across our country. Breast Density notification will help bring about a new era in which women, in conjunction with their doctors, can make fully informed choices about their breast screening and personal surveillance.

Thank you for giving Are You Dense, Inc. the opportunity to support this important and timely legislation.

Sincerely,

NANCY M. CAPPELLO, PH.D.,
President and Founder,
Are You Dense, Inc.

OCTOBER 3, 2011.

Hon. ROSA L. DELAURO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO, the Black Women's Health Imperative is very pleased to support the introduction of the Breast Density and Mammography Reporting Act of 2011.

Women with dense breast tissue are more likely to get breast cancer, it is more likely to be aggressive, and very likely to be missed on a mammogram. The Breast Density and Mammography Reporting Act of 2011 corrects a fatal flaw in the post-mammography patient communication. The inclusion of breast density information in the lay letter, sent from radiologist to patient, recognizes the importance of patient notification of this risk factor. Without the provision for this notification, the opportunity for an informed and educated patient is tragically compromised. This legislation will ensure that the 40% of women with dense breasts, armed with critical information about their own physiology, can have equal access to early detection of breast cancer.

Breast Density notification will help bring about a new era in which women, in conjunction with their doctors, can make fully informed choices about breast screening and surveillance.

Thank you for giving us the opportunity to support this important and timely legislation.

Sincerely,

ELEANOR HINTON HOYTT,
President & CEO,
Black Women's Health Imperative.

OCTOBER 3, 2011.

Hon. ROSA L. DELAURO,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DELAURO, Are You Dense Advocacy, Inc. is pleased to support the introduction of the Breast Density and Mammography Reporting Act of 2011. It is in the interest of public safety to enact a standard that requires doctors to inform women of their breast density, its inherent risk factor, and apprise them of the limitations of mammography in dense breasts. Without this simple notification, women with dense breast tissue, unaware of this critical piece of their own physiology, and kept in the dark about density's inherent risk factor, can hardly be considered informed participants in their own health surveillance.

Women with dense breasts are more likely to get breast cancer, it is more likely to be aggressive, and is more likely to be missed on a mammogram. Over the past decade, peer reviewed scientific studies have demonstrated that mammography misses breast cancer at least 40% of the time in women with dense breasts. The inclusion of breast density information In the lay letter, sent from radiologist to patient, recognizes the fundamental right of a patient to be aware of her own density, her personal risk factor, and supplemental screening tools which may be appropriate.

We strongly support this timely legislation which will prove life saving for so many American women.

Sincerely,

JOANN PUSHKIN,
Director of Government Relations,
Are You Dense Advocacy, Inc.

AMERICAN ASSOCIATION OF
BREAST CARE PROFESSIONALS,
Houston, TX.

DEAR CONGRESS: The American Association of Breast Care Professionals (AABCP) in collaboration with the AABCP Foundation, strongly supports all legislation regarding

research, education and early diagnosis of breast cancer for individuals with dense breast tissue. We ask all congressional leaders for consideration and co-sponsorship of this legislation.

AABCP is a non-profit trade association and foundation dedicated to educating the public and promoting public policy that is in the interest of the breast cancer patient, the post-mastectomy amputee, and the providers who serve them.

Currently, more than 2,500,000 individuals in the United States are living with breast cancer. Each year, more than 200,000 people, 97% women and 3% men, are diagnosed with breast cancer. Additionally, women with more dense breast tissue have at least a four-time greater risk of developing breast cancer than individuals with less dense tissue.

Physicians and health care providers are the first line of information during diagnosis and treatment. The provision of more scientific and appropriate information regarding the risks of dense breast tissue to individuals, immediately after a mammogram, ensures receipt of timely information and allows an individual to make a more informed decision regarding their health care.

The American Association of Breast Care Professionals believes that women will benefit from knowing both that they have denser breast tissue and the associated risks. When dealing with cancer, knowledge is survival.

We thank you again for your leadership and consideration of this very important issue.

Respectfully,
RHONDA F. TURNER, PHD, JD, BOCPO,
President.

RECOGNIZING THE U.S. WOMEN'S CHAMBER OF COMMERCE

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. VELÁZQUEZ. Mr. Speaker, I rise to recognize the U.S. Women's Chamber of Commerce, an organization that has been vital to fostering entrepreneurship among females. Today, the number of women-owned businesses is growing at a rate double of all other firms. In 2007, women owned 7.8 million businesses and accounted for 28.7 percent of all businesses nationwide, according to the U.S. Census Bureau's Survey of Business Owners. These firms generated $1.2 trillion in receipts, about 3.9 percent of all business receipts nationwide.

As this dynamic sector continues to evolve, it is vital women have a strong voice representing them and the Women's Chamber of Commerce has been a stalwart champion for female entrepreneurs.

Founded ten years ago, the Women's Chamber is the only national organization of its kind, working with over 500,000 members to eliminate barriers to female entrepreneurship. Throughout its history, the Chamber has secured a series of key victories that have helped small firms owned by women flourish and grow. In 2005, the U.S. Women's Chamber of Commerce won a lawsuit against the government for failing to implement the "Women's Procurement Program," an initiative helping female entrepreneurs secure federal contracts. The Women's Chamber has also fought to expand access to capital among female entrepreneurs, which is often a key impediment to women seeking to launch a new venture.

Beyond its work advocating for female entrepreneurs, the Women's Chamber has helped to promote career advancement for women and protect the rights of female employees. The Chamber was a strong advocate for the Lilly Ledbetter Fair Pay Act and has stalwartly fought for female advancement in the workplace.

Mr. Speaker, this week the U.S. Women's Chamber of Commerce celebrates ten years of service to American female entrepreneurs. As our economy continues to evolve, we can expect female entrepreneurship will only further blossom and play a greater role in American commerce. As that happens, the U.S. Women's Chamber will continue its role as a strong advocate for women-owned businesses and female employees.

HONORING ROSE LENOX

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Rose Lenox, on the occasion of her 80th birthday.

Rose Lenox nee Homan was born on October 19, 1931 in Towanda, Pennsylvania at Mills Hospital. She attended school through fourth grade in a one-room school house in Black, Pennsylvania, and then transferred to Ulster Elementary. Rose had daily responsibilities at the family farm, which she had to balance with her studies at Towanda High School. Rose met her future husband, James Lenox, in ninth grade.

After graduating, Rose was one of the first on the job training students to earn a clerical job at the DuPont plant in Towanda. After raising her children, Rose went on to work at Finlan Insurance and the Towanda Country Club.

On October 20, 1951, Rose married James Lenox at the Saints Peter and Paul Roman Catholic Church. Together, Rose and James have three children (Kathy, David, and Rosemary) and eight grandchildren.

Mr. Speaker, I rise today to honor my constituent, Rose Lenox, on the occasion of her 80th birthday, and ask my colleagues to join in praising her commitment to her family and country.

INTRODUCTION OF THE ''RENEWABLE FUEL STANDARD ELIMINATION ACT'' AND THE ''RENEWABLE FUEL STANDARD FLEXIBILITY ACT''

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. GOODLATTE. Mr. Speaker, it is past time for us to have a serious conversation about the federal government's role in supporting ethanol. One of the big drivers of ethanol is an artificial market, created by the federal government. The Renewable Fuel Standard, RFS, mandates that 36 billion gallons of renewable fuels be in our nation's fuel supply. This mandate is being fulfilled by grain ethanol that comes from corn.

The federal government's creation of an artificial market for the ethanol industry has quite frankly created a chain reaction that is hurting consumers. It is expected that this year about 40 percent of the U.S. corn crop will be used for ethanol production. With increasing food and feed stocks being diverted into fuel, we are seeing diminished supplies for livestock and food producers. This year livestock and poultry producers will use 1.1 billion fewer bushels of corn than they used in the 2004/2005 crop year, the last crop year before the RFS. This will be the first year ever that ethanol production has used more of our corn supplies than feeding livestock and poultry in the U.S.

The RFS mandate has created a domino effect. Tightening supplies are driving up the price of corn. The higher cost for corn is passed on to livestock and food producers. In turn, consumers see that price reflected in the price of food on the grocery store shelves. In the debate over ethanol, the government is picking winners and losers and livestock and food producers, and the consumers of livestock and food products are the losers. As we confront the reality of the tightening corn supplies, there are real concerns about having enough corn supplies to satisfy the RFS and the needs of our food producers. We should not be in a position where we are choosing between fuel and food. That is why I am introducing two bills that would alter this artificially created government market.

The first bill, the Renewable Fuel Standard Elimination Act is simple; it would eliminate the RFS and make ethanol compete in a free market. The government should not be creating a market to sustain an entire industry. While I believe that we should completely eliminate the RFS, I recognize that there may not yet be the political will in Congress to completely eliminate this mandate. And while there may not yet be the political will to eliminate this mandate we have to address the reality that we are being confronted with, tightening corn supplies, and our livestock producers, our food manufacturers, and our consumers need relief now.

That is why I have joined with several colleagues in introducing legislation to reform the RFS. This reform will provide relief to our livestock and food producers and consumers of these products. This legislation, the Renewable Fuel Standard Flexibility Act will link the amount of ethanol required for the RFS to the amount of the U.S. corn supplies. This legislation would provide a mechanism that when the USDA reports that U.S. corn supplies are tight, based upon the ratio of corn stocks to expected use, there would be a corresponding reduction of corn ethanol made to the RFS. For example, if this policy was in place now, the legislation would trigger a 25 percent reduction in the RFS. This is a common sense solution to make sure that we have enough corn supplies to meet all of our demands.

I am a strong supporter of renewable fuels, when they compete fairly in the marketplace but the current policy is unfair and is causing unintended and negative consequences for American consumers, livestock farmers, and food manufacturers. Congress created this artificial market that is distorting the food and feed market, and we must provide relief of its

unintended consequences. I urge the Congress to pass this legislation.

IN RECOGNITION OF MR. DEAN JANEWAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Dean Janeway, President and Chief Operating Officer of Wakefern Food Corporation, on the occasion of his retirement. Mr. Janeway has dedicated forty years of service to the Wakefern Food Corporation and has been a catalyst for the organization's expansion and advancement throughout the Northeast. His outstanding commitment is undoubtedly worthy of this body's recognition.

Mr. Dean Janeway's commitment to Wakefern Food Corporation is a testament to his outstanding character. Mr. Janeway joined the Wakefern team in the 1960s as a Junior Accountant. He later earned a position as Executive Vice President before being named President and Chief Operating Officer in 1995. As a member of the Wakefern team, Mr. Janeway took every opportunity to learn the intricate aspects of the business. He has overseen the largest expansion in the organization's history and managed the advancement to become the premier supermarket retailer in the Northeast. Under Mr. Janeway's direction, Wakefern has also experienced significant expansion in its membership base resulting in the growth of its retail sales by more than 150 percent. Mr. Janeway also continues to direct Wakefern's corporate giving endeavors, spearheading Wakefern's fight against hunger.

In addition to his professional responsibilities at Wakefern, Mr. Janeway served as a member of various prestigious boards including the Board of Directors of the Eastern Frosted Foods Association, EFFA, and is past President of the Eastern Perishable Products Association, EPPA. Among other prestigious positions, he has also admirably served on the Board of Directors of the national Grocers Association and is a member of the Board of the national Co-op Bank. Mr. Janeway presently sits on the Board of Directors of Insure-Rite, Ltd and in 2009 began his reign as Chairman of the University of Medicine and Dentistry of New Jersey's Finance Committee.

As a result of his outstanding accomplishments, Mr. Janeway is the recipient of various prestigious awards including the Modern Grocer's annual Publisher's Award for Lifetime Achievement, the New Jersey Food Council's Lifetime Achievement Award and the Food Marketing Institute's Herbert Hoover Award. His humanitarian work was honored by the Special Olympics of New Jersey in 2009 and earlier this year he was recognized by the Archdiocese of Newark at their annual Business and Labor Recognition Reception for his support for various charitable causes. Mr. Janeway is a graduate of Rutgers University, a father of three adult children and currently resides in South Mantoloking, New Jersey with his wife MaryAnn.

Mr. Speaker, once again, please join me in thanking Mr. Dean Janeway for his outstanding contribution to the Wakefern Food Corporation and wishing him the best as he begins to enter the next chapter of his life.

A CONGRESSIONAL RESOLUTION RECOGNIZING MACY REYNOLDS ON HER INDUCTION INTO THE GREENE COUNTY WOMEN'S HALL OF FAME

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. AUSTRIA. Mr. Speaker, on behalf of the people of Ohio's Seventh Congressional District, I rise today to recognize Ms. Macy Reynolds for her induction into the Greene County Women's Hall of Fame.

Ms. Macy Reynolds along with five other candidates was from a pool of many worthy women to receive this honor, and thus, she was nominated for her great endeavors in the field of Horticulture.

Ms. Reynolds, a teacher by profession, taught in Mad River Schools and as an adjunct at the University of Dayton. Becoming a Master Gardner in 1998, she has taught many educational programs and volunteered in many public gardens all over Greene County. An Ohio certified insect, weed and tree specialist, Macy has removed invasive species from various locations around Greene County while also working hard to restore prairies by harvesting and planting seeds in their natural areas. Macy also put together an educational program for the Miami Valley Juvenile Rehabilitation Center in Xenia. The resident youth attend gardening classes, plant and care for the garden. The produce from these gardens are then donated to the local Fish Food Pantry. She is also a founding member of the Midwest Native Plant Society and has worked to maintain the Women's Park in Yellow Springs where she also serves as secretary of the Tree Committee. Ms. Macy also was Greene County's first representative to the Heritage Garden Ambassador Program.

Thus, with great pride, I congratulate Ms. Macy Reynolds for her exemplary service to Greene County and extend best wishes for the future.

BISHOP DUNNE HIGH SCHOOL

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor Bishop Dunne Catholic-School in Dallas, Texas for 50 years of educational excellence. Bishop Dunne is a coeducational, college preparatory school which serves grades 6 through 12.

The students here are our best and our brightest, and with encouragement and support from their principals and teachers, these students are achieving remarkable success. Because of the high quality education the students at Bishop Dunne and other schools like it are receiving, they can have the opportunity to live the American dream—to do anything they want to do, to go on to a great college or university of their choice, and to pursue any career path that sparks their interest.

In 1961, Bishop Dunne Catholic School began under the name Our Lady of Good Counsel High School. The Sisters of St. Mary of Namur had established two girls' high schools in Dallas; Our Lady of Good Counsel Academy in Oak Cliff in 1901 and St. Edward's Academy in East Dallas in 1912. At the request of the Diocese of Dallas, the Sisters agreed to close the two high schools and invite students from them to be part of a new entity, a diocesan sponsored high school. In 1963, the name of the school was officially changed to Bishop Dunne in honor of one of the first bishops of Dallas. In 1969, the school officially became coeducational.

Core values Bishop Dunne instills in its students and counts as a priority are spiritual growth and faith development; academic excellence in an innovative and creative environment; formation in a positive and nurturing environment; commitment to fellowship, social justice and community service; appreciation of individual uniqueness and value; commitment to social and civic responsibilities and to global leadership and; Service to a multi-cultural community.

Mr. Speaker, my community and our country benefits immensely from the educational excellence Bishop Dunne Catholic School continues to provide. I congratulate them on 50 years of service.

MOURNING THE LOSS OF REV. FRED SHUTTLESWORTH AND REFLECTING ON HIS LEGACY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, I am deeply saddened to learn today of the passing of a great man, Reverend Fred Shuttlesworth, who was truly an American hero and a committed civil rights legend. His life and dedication fighting in Birmingham, Alabama, on behalf of the segregated black community will never be forgotten.

The Reverend helped create the Southern Christian Leadership Conference with Dr. Martin Luther King Jr. and Ralph Abernathy and served as secretary for several years. During his lifetime, Rev. Shuttlesworth was beaten and arrested several times for his activism. His church and home had even been bombed, but he persevered in his struggle. The many sit-ins and boycotts he led helped advance a people and a nation forward from the evils of segregation to enjoy many of the freedoms we have today.

As we reflect on the sad passing of one of the greatest inspirations of the Civil Rights movement, I hope everyone back in his hometown, Birmingham, Alabama, and across the nation reflects on his legacy with gratitude and admiration. I speak on behalf of all the people of New York's 15th Congressional District when I say we are all thankful for what Rev. Shuttlesworth accomplished.

CONGRATULATING THE LINCOLN MAGNET SCHOOL ON BEING NAMED A 2011 NATIONAL BLUE RIBBON SCHOOL

HON. AARON SCHOCK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. SCHOCK. Mr. Speaker, I rise today to honor Lincoln Magnet School in Springfield, Illinois for being named a 2011 National Blue Ribbon award winner in high academic performance. Lincoln Magnet School was only one of 17 public and private schools in the state of Illinois and one of 304 schools nationwide to receive this prestigious honor.

Lincoln Magnet School serves 321 students in sixth, seventh and eighth grade. It incorporates technology in the classroom by providing each student with an individual laptop. The school has previously been recognized as an Apple Distinguished School, one of a select number of schools nationwide to receive that elite honor. Their vision is to ''prepare students to be outstanding global citizens in an ever-changing technological world.'' Lincoln Magnet School has not only met this goal, but has exceeded it.

Lincoln Magnet School is the type of institution more schools should emulate. Students at the school have also consistently demonstrated high academic performance—outscoring their peers at the state level in every category. For example, 95% of students in 2010 met the State of Illinois' benchmark in mathematics with 44% of students exceeding the benchmark. In reading, 96% of students achieved the reading benchmark and 33% exceeded it.

The staff and leadership of Lincoln Magnet School have also partnered with local agencies in order to offer numerous educational opportunities to their students. At a time when employers in my district lament the lack of skills in the workforce, I am proud to see schools such as Lincoln Magnet School utilize laptops, virtual lab experiences and other types of technology to better prepare their students for the technical demands of the future.

The one-to-one laptop environment present at Lincoln Magnet School offers students the ability to answer their own questions while also incorporating real-world experiences into the classroom. Virtual science laboratories make difficult concepts easier to understand. The prevalent use of different types of technology means a student never stops learning.

Once again, I congratulate the teachers, staff, students, parents and community members of Lincoln Magnet School for all of their hard work in achieving the National Blue Ribbon award.

COMMEMORATING THE LIFE OF NANCY KEENAN

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Nancy Keenan of Perkasie, Pennsylvania. Born and raised in Southeastern Pennsylvania, Nancy was truly committed to the well-being of her friends and neighbors, particularly to the senior citizens of Bucks County.

A self-educated woman, Nancy became an integral part of her community, serving as member of the Perkasie Borough Council, a frequent columnist for her local paper, the Morning Call, the chairperson of the Bucks County Area Agency on Aging Advisory Council, and a member of the Southeast Regional Council of the Pennsylvania Council on Aging.

Of all the projects Nancy was a part of during her remarkable life, one of the dearest to her was the foundation of the new Pennridge Community Senior Center in Silverdale. While the task of raising funds to build this new center was no small undertaking, Nancy patiently and diligently persevered until the project was completed. Her advocacy for the senior citizens of Bucks County goes well beyond the construction of a single building, and this new center will stand as a testament to her hard work and dedication for generations to come.

IN RECOGNITION OF THE 75TH ANNIVERSARY AND DIAMOND JUBILEE CELEBRATION OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE NEW YORK STATE CONFERENCE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, today I rise with great pride and as a life member to recognize the 75th Anniversary and Diamond Jubilee Celebration of our beloved NAACP New York State Conference.

On October 7 thru Oct. 9, 2011, The New York State Conference of the National Association for the Advancement of Colored People (NAACP) will host its 75th Anniversary Conference and Diamond Jubilee Celebration, at the Westin Times Square Hotel and Conference Center in New York City. The Celebration will honor the rich history of the NAACP and examine critical issues challenging all New Yorkers. Delegates and participants will enjoy interactive workshops on education, health, civic engagement, economic empowerment and criminal justice.

The NAACP New York State Conference has been a vital programmatic component of the National Association for the Advancement of Colored People for 75 of the 102-year history of the oldest, most effective and most respected civil rights organization in the Nation. The New York State Conference has played a pivotal role in moving the agenda for freedom and equality forward under the leadership of dynamic State Conference Presidents, each of whom addressed critical issues during their tenure.

Dr. James E. Allen, the first President, took on the challenge of expanding the number of branches all across the state. From 1936 to 1952, the number of branches grew from 15 to 45, providing local civil rights advocacy in every corner of the state on a wide range of issues. The succeeding Presidents have built on that solid foundation and added to the scope and innovative advocacy techniques. They were Mrs. Effie Gordon, Dr. Eugene T. Reed, Judge William Booth, Donald Lee, Raphael Dubard and the current President, my sister, Dr. Hazel N. Dukes.

Through its seventy-five year history, the New York State Conference has been a leading force in driving the missions and goals of the Association. The first Prison Branch of NAACP was chartered in New York. The Youth and College Division grew as a vigorous power to be reckoned with, and continues to be outspoken and on the front line of advocacy today.

Under the leadership of Dr. Hazel Dukes and the first Executive Director David Bryant, Esq. the New York State Conference State opened its offices in lower Manhattan in 1978. Shortly before the historic Centennial Celebration of the National Association for the Advancement of Colored People in 2009, the state conference relocated its office to a beautiful spacious Suite at 1065 Avenue of the Americas in Midtown Manhattan. The state-of-the-art office is run with an Administrative Assistant, support staffs and interns to facilitate activity throughout the state to the 56 adult units, Youth, and College Chapters from Harlem to Highland Falls, Brooklyn to Buffalo, Syracuse to Suffolk County, Albany to Amityville and all points in between.

New York State Conference Civil Rights Advocacy over the years has included historic demonstrations, marches and mobilizations. Like the memorable 160-mile march from New York City to Albany to underscore our civil rights issues, the Over-ground Railroad project to promote voter registration and voter participation throughout the State of New York, marches and demonstrations to protest police brutality and the murders of Michael Steward by Transit police and Eleanor Bumpers by Public Housing police. The New York State Conference held one of the largest demonstrations in Howard Beach to protest the racial murder of Michael Griffin and in Middletown, New York to protest the police murder of the son of NAACP branch President, Maude Bruce.

Reflecting on these important moments and milestones, President Hazel Dukes said, ''The New York State Conference has been a vital component of the National NAACP for 75 of its 102-year history. We have played a pivotal role in moving the agenda for freedom and equality forward. The celebration of our 75th Anniversary gives the State Conference an opportunity to review past challenges, celebrate accomplishments and be emboldened by future possibilities.'' Members and guests of the NAACP from the tri-state area will participate in numerous events during this milestone weekend.

The Conference begins Friday, October 7 at noon with registration and the opening plenary at 2:30 p.m. At 7:30 p.m., the Rev. Dr. Gregory Smith, Senior Pastor and the Congregation of the historic Mother African Methodist Episcopal Zion Church will host an Ecumenical Service in Harlem featuring keynote speaker the Honorable Benjamin Todd Jealous, President and CEO of the National NAACP. The service will also highlight a performance by Vy Higginson's Gospel for Teens Choir, recently featured on CBS' 60 Minutes, by legendary News Correspondent Barbara Walters.

On Saturday, October 8 from 8:45 a.m. to 5 p.m., a number of interactive workshops and

trainings on health, education, civic engagement, criminal justice and economic development are scheduled. I will be bringing welcoming greetings to all of the delegates and special guest assembled for the 75th Annual Luncheon, which begins at 12 Noon and features our dynamic leader, the Honorable Dr. Roslyn M. Brock, Chairman of our NAACP National Board of Directors as the keynote speaker. Other speakers include the Hon. Alphonso David, New York State Deputy Secretary for Civil Rights, Michael Mulgrew, President United Federation of Teachers, Reverend Edward Mulraine, Unity Tabernacle Baptist Church Mt. Vernon, New York, and our beloved State Conference President Dr. Hazel N. Dukes.

The activities of the day culminate with the 75th Diamond Anniversary Awards Dinner Dance. Cheryl Wills, Anchor NY1 News and author of ''Die Free'' A Heroic Family History,'' will be the Mistress of Ceremony. The evening speakers include my longtime loyal friend, supporter and ally, George Gresham, President of the mighty SEIU Local 1199. The closing program will take place on Sunday, October 9, 2011 with a breakfast, Church Service, and a legislative session presided by Judge Laura D. Blackburne, Chairman of the Crisis Magazine and by Kenneth Cohen, Sr., Regional Director of the Metropolitan Council of NAACP Branches.

Mr. Speaker, let me take a moment to salute my sister, Hazel N. Dukes as we celebrate our Diamond Jubilee of our New York State Conference. For as long as I have been involved with the NAACP and a Member of Congress, Hazel has always been an outspoken opponent of policies that she felt undermined the achievements of the civil rights movements of the 1960s and today. Hazel's political career has made her one of the most important black activists and campaigners of the last quarter of the twentieth century; I am proud of her stance to reduce class sizes in our New York City Schools and for equal and fair education for all children. Hazel can be a one-woman band, but her advocacy and hard work create and orchestrate for change.

I ask my colleagues and a very grateful Nation to join me in a very special congressional salute to the NAACP New York State Conference celebrating their 75th Diamond Jubilee Anniversary.

ST. CROIX CROSSING ''MEGA-BRIDGE'' OPPOSED BY TAXPAYERS FOR COMMON SENSE

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Ms. McCOLLUM. Mr. Speaker, today, the Natural Resources Committee is marking up H.R. 850 which grants an exemption from the Wild and Scenic Rivers Act in order to allow construction of a $700 million mega-bridge connecting Minnesota and Wisconsin across the St. Croix River. This bridge would be located less than six miles from the eight lane Interstate 94 crossing of the St. Croix. At a time of extremely scarce transportation dollars and tremendous need (Minnesota and Wisconsin have more than 2,000 structurally deficient bridges in need of repairs) building a single mega-bridge with a cost of $700 million is fiscally irresponsible and terrible public policy.

I strongly oppose H.R. 850 and I am not alone. The conservative watchdog group Taxpayers for Common Sense sent a letter today to members of the Natural Resources Committee opposing H.R. 850 and states, ''accepting a project that is too big and too expensive for the sake of speeding project delivery would be irresponsible at any time, and even more so while we are doing everything possible to find our way out of a budgetary mess.''

A St. Croix River crossing that is affordable, meets transportation and safety needs, and responsibly scaled should be built, but H.R. 850 and its companion in the U.S. Senate, S. 1134, are bills that should be rejected. I appreciate that the willingness of Taxpayers for Common Sense for voicing their concerns about this mega-bridge exemption and I have enclosed their letter to the House Natural Resources Committee for printing in the CONGRESSIONAL RECORD.

TAXPAYERS FOR COMMON SENSE,

October 4, 2011.

OPPOSE H.R. 850: IT'S TIME TO RETHINK THE STILLWATER BRIDGE

DEAR NATURAL RESOURCES COMMITTEE MEMBER: Taxpayers for Common Sense Action urges you to oppose H.R. 850 (''To facilitate a proposed project in the Lower St. Croix Wild and Scenic River'') when it comes before the Natural Resources Committee for your consideration. Proponents argue that this bill will not cost any taxpayer dollars, but granting the proposed bridge between Minnesota and Wisconsin over the St. Croix River an exemption from the Wild and Scenic Rivers Act is one of the final few steps before taxpayers are asked to pay many millions on a bridge that is far too large in scope and far too expensive. A bridge in this location is warranted to replace an outdated lift bridge, but needs to be done at a far lower cost. The project as proposed should be rejected.

The current fight over spending cuts and the debt ceiling highlights the immense budget challenges our nation faces, including a trillion-dollar-plus deficit and more than $14 trillion in debt. The state of our transportation program is little better, as the highway trust fund collects inadequate funds to meet the nation's transportation challenges. As a result, doing more with less is essential, and the same holds true for the proposed St. Croix River crossing.

We are deeply concerned about the scale and cost of this project for a number of reasons:

Driven by a desire to create a ''signature'' bridge for the region, stakeholders chose the most expensive alternative. This would be by far the most expensive bridge ever constructed in Minnesota, and would be more expensive than the cost of two other Minnesota bridges—the I–35W and Lafayette bridges—combined, yet will carry less than 10% as much traffic. When every dollar is scarce, it is simply irresponsible to build signature bridges that place form before function, and asking taxpayers to fund such an expensive project to carry the 18,000 vehicles the current bridge accommodates is simply outrageous.

According to Minnesota Department of Transportation documents, the so-called ''extradosed'' bridge proposed for this project, comes with ''relatively high cost risk.'' An extradosed bridge—a combination of a box girder bridge and a cable-stayed bridge—is under construction in Connecticut, and that is the only other example of its kind in the U.S. MnDOT lists its own lack of internal expertise regarding such a bridge as a project risk. Though some of the extra risk has been built into the project's cost estimate, there still remains an increased chance of cost overruns.

Building this bridge would limit the funds available for the other priorities in Minnesota and Wisconsin. Combined, the two states have more than 2,000 deficient bridges and nearly 6 million trips are made across them every day. In addition, nearly half the roads in Minnesota and Wisconsin need additional maintenance to get them back to ''good'' condition. Building such an expensive bridge across the St. Croix, with the chance of significant cost overruns, would seriously hamper each state's ability to perform these vital maintenance efforts in as timely a manner as possible, to say nothing of new facilities that may be required to relieve congestion, improve safety, facilitate commerce, and keep the transportation system moving efficiently.

There is little question that a new bridge is required at this location to replace the outdated lift bridge that currently carries traffic over the St. Croix, but only if it can be done at a far lower cost than is currently envisioned. The proposed bridge is a relic from a different time: before our nation finally committed to taking care of its budget mess, before the end of the housing boom that dramatically changed the landscape in western Wisconsin, and before the realization that the current state of our transportation program may lead to a cut as deep as 30% from current funding levels in future years.

At the very least, it is worth taking a hard look at additional alternatives to determine whether we can accommodate the region's transportation needs at a far lower cost to taxpayers, and possibly without an exemption from the Wild and Scenic Rivers Act. We understand that there is an urgency to move forward with a new bridge, but accepting a project that is too big and too expensive for the sake of speeding project delivery would be irresponsible at any time, and even more so while we are doing everything possible to find our way out of a budgetary mess.

If you would like additional information, please contact Erich Zimmermann in my office at (202) 546–8500 x132.

Sincerely,

RYAN ALEXANDER,

President.

HONORING THE LIFE OF REV. FRED SHUTTLESWORTH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. CONYERS. Mr. Speaker, I rise to celebrate the life and legacy of the late Rev. Fred Shuttlesworth. Today, we mourn the loss of an American soldier who lived without fear to exemplify the power of nonviolence in the ongoing fight against injustice, inequality and inequity.

No other word best describes civil rights pioneer Reverend Fred Shuttlesworth but the word ''fearless.'' Rev. Shuttlesworth was a native of Alabama and spent his entire life there dedicated to combating discrimination and the alienation of underrepresented communities. He co-founded the Southern Christian Leadership Conference (SCLC), and was a key strategist of nonviolent campaigns, working alongside notable civil rights leaders such as Dr.

Martin Luther King, Jr., Rev. Ralph Abernathy, Bayard Rustin and Ella Baker. Rev. Shuttlesworth was committed to civil disobedience in order to bring about the Constitution's promise of equality, however, he was in no way considered a ''passive'' individual. Many who worked closely alongside of him recall how he prodded his fellow civil rights comrades to be more active and deliberate in the push for equality.

Prior to founding the SCLC, Rev. Shuttlesworth was a very visible civil rights figure, serving as Membership Chairman of the Alabama State Chapter of the NAACP in 1956, and establishing the Alabama Christian Movement for Human Rights (ACMHR) after the state of Alabama outlawed NAACP activities. His visibility made him a clear target of bigotry and violence, including an assassination attempt on the Christmas of 1956 where sixteen sticks of dynamite placed under Shuttlesworth's bedroom window resulted in extensive damage to his home. Shuttlesworth, however, suffered no bodily harm. When advised by a police officer with Klan allegiances to ''get out of town,'' Shuttlesworth rejected the officer's admonition, stating ''I wasn't saved to run.'' Rev. Shuttlesworth refused to be driven out by intimidation, ignorance and intolerance.

We are ever so grateful he did not run. Rev. Shuttlesworth was one of the many brave souls who participated in the sit-ins at segregated lunch counters in 1960. His fingerprints are all over the Freedom Rides of 1961, where he organized and saw the mission to its completion. When riders were severely beaten, Rev. Shuttlesworth solicited other clergy and religious leaders to drive the wounded to hospitals and nursed some riders in his church, Bethel Baptist in Birmingham. His character was such that if one was hungry, he would feed them; thirsty, he would provide them with water; homeless, he would open his doors; imprisoned, he would visit them. Rev. Shuttlesworth believed that whatever we do for the least of our brothers and sisters, regardless of race, creed, orientation or any other qualifier, we are indeed doing for all of humanity.

All men perish, but it is often upon the passing of great men that we truly recognize their value. Rev. Shuttlesworth is a universal figure whose activism led to several victorious litigations against segregation, including the Supreme Court decision of Shuttlesworth v. Birmingham, which reversed his conviction for holding a peaceful demonstration. His involvement in the marches in St. Augustine, Florida and Selma, Alabama led to the historic passages of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Every state in the United States, as well as twenty countries, has created programs to combat racism and prejudice implementing Rev. Shuttlesworth's strategies and organizational skills.

Rev. Shuttlesworth once vowed that he would ''kill segregation or be killed by it.'' Fortunately, he lived to see the fruits of his labor. He served our country fighting for segregation's demise and as a result, we are all beneficiaries of his efforts. Now more than ever, we must follow the example of Rev. Fred Shuttlesworth and see the value in caring for the least among us. His efforts will never be forgotten.

REPRESENTATIVE JERRY COSTELLO WILL BE DEARLY MISSED

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 5, 2011

Mr. RANGEL. Mr. Speaker, I am sad to learn that the House of Representatives will be losing a strong leader with the retirement of my dear friend and Colleague, Congressman JERRY COSTELLO. In the U.S. Congress, he fought hard to protect the environment and promoted progressive development of infrastructure.

I am privileged to have worked with JERRY in the past 23 years he has served in this great Institution we both so love. JERRY has been a steadfast steward of the public interest from his early days in law enforcement to his more than two decades in the House of Representatives. Throughout his public career he has demonstrated time and again how colleagues can reach across the aisle to find compromise for the good of the nation.

I wish JERRY the best of luck with his future endeavors. His service to the people of Illinois' 12th District has been impeccable and he will be dearly missed by both his constituents and colleagues.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 6, 2011 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 11

2:30 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine labor-management forums in the Federal government.
SD–342

OCTOBER 12

Time to be announced
Small Business and Entrepreneurship
Business meeting to consider the nomination of Winslow Lorenzo Sargeant, of Wisconsin, to be Chief Counsel for Advocacy, Small Business Administration.
Room to be announced

10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine ten years after 9/11, focusing on a status report on information sharing.
SD–342

2 p.m.
Aging
To hold hearings to examine finding consensus in the Medicare reform debate.
SD–562

2:15 p.m.
Foreign Relations
Business meeting to consider the nominations of Joyce A. Barr, of Washington, to be Ambassador to Namibia, Robert A. Mandell, of Florida, to be Ambassador to Luxembourg, Thomas Charles Krajeski, of Virginia, to be Ambassador to the Kingdom of Bahrain, Dan W. Mozena, of Iowa, to be Ambassador to the People's Republic of Bangladesh, and Michael A. Hammer, of the District of Columbia, to be Assistant Secretary for Public Affairs, all of the Department of State, Anne Terman Wedner, of Illinois, to be a Member of the United States Advisory Commission on Public Diplomacy, Katherine M. Gehl, of Wisconsin, and Terry Lewis, of Michigan, both to be a Member of the Board of Directors of the Overseas Private Investment Corporation, Russ Carnahan, of Missouri, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and Ann Marie Buerkle, of New York, to be a Representative of the United States of America to the Sixty-sixth Session of the General Assembly of the United Nations, and routine lists in the Foreign Service; to be immediately followed by a hearing to examine the nomination of Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation, Department of State.
S–116, Capitol

2:30 p.m.
Health, Education, Labor, and Pensions
To hold hearings to examine the state of chronic disease prevention.
SD–430

OCTOBER 13

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine addressing potential threats from Iran, focusing on Administration perspectives on implementing new economic sanctions one year later.
SD–538

2 p.m.
Judiciary
To hold hearings to examine arbitration.
SD–226

2:15 p.m.
Indian Affairs
To hold an oversight hearing to examine the Carcieri crisis, focusing on the ripple effect on jobs, economic development and public safety in native communities.
SD–628

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

OCTOBER 18

2:30 p.m.
Health, Education, Labor, and Pensions
Business meeting to consider an original bill entitled, ''Elementary and Secondary Education Act'', and any pending nominations.
SD–106

OCTOBER 20

2:15 p.m.
Indian Affairs
To hold hearings to examine S. 134, to authorize the Mescalero Apache Tribe to lease adjudicated water rights, S. 399, to modify the purposes and operation of certain facilities of the Bureau of Reclamation to implement the water rights compact among the State of Montana, the Blackfeet Tribe of the Blackfeet Indian Reservation of Montana, and the United States, S. 1298, to provide for the conveyance of certain property located in Anchorage, Alaska, from the United States to the Alaska Native Tribal Health Consortium, S. 1327, to amend the Act of March 1, 1933, to transfer certain authority and resources to the Utah Dineh Corporation, and S. 1345, to provide for equitable compensation to the Spokane Tribe of Indians of the Spokane Reservation for the use of tribal land for the production of hydropower by the Grand Coulee Dam.
SD–628

NOVEMBER 3

9 a.m.
Homeland Security and Governmental Affairs
Investigations Subcommittee
To hold hearings to examine speculation and compliance with the ''Dodd-Frank Act''.
SD–342

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S6145–S6276

Measures Introduced: Six bills and two resolutions were introduced, as follows: S. 1655–1660, and S. Res. 286–287. **Page S6185**

Measures Passed:

Filipino American History Month: Senate agreed to S. Res. 287, designating October 2011 as "Filipino American History Month". **Pages S6275–76**

Measures Considered:

Currency Exchange Rate Oversight Reform Act—Agreement: Senate continued consideration of S. 1619, to provide for identification of misaligned currency, require action to correct the misalignment, taking action on the following amendments proposed thereto: **Pages S6152–77**

Pending:

Reid Amendment No. 694, to change the enactment date. **Page S6152**

Reid Amendment No. 695 (to Amendment No. 694), of a perfecting nature. **Page S6152**

Reid Motion to commit the bill to the Committee on Finance with instructions, Reid Amendment No. 696, to change the enactment date. **Page S6152**

Reid Amendment No. 697 (to (the instructions) Amendment No. 696) of the motion to commit), of a perfecting nature. **Page S6152**

Reid Amendment No. 698 (to Amendment No. 697), of a perfecting nature. **Page S6152**

A unanimous-consent-time agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Thursday, October 6, 2011, with the time until 10:30 a.m. equally divided and controlled between the two Leaders, or their designees. **Page S6276**

Nominations Received: Senate received the following nominations:

Patty Shwartz, of New Jersey, to be United States Circuit Judge for the Third Circuit.

1 Air Force nomination in the rank of general.

4 Army nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, and Navy. **Page S6276**

Messages from the House: **Page S6184**

Measures Read the First Time: **Pages S6184, S6276**

Executive Communications: **Pages S6184–85**

Additional Cosponsors: **Pages S6185–87**

Statements on Introduced Bills/Resolutions: **Pages S6187–S6226**

Additional Statements: **Pages S6180–84**

Amendments Submitted: **Pages S6226–74**

Notices of Intent: **Pages S6274–75**

Notices of Hearings/Meetings: **Page S6275**

Authorities for Committees to Meet: **Page S6275**

Privileges of the Floor: **Page S6275**

Adjournment: Senate convened at 10 a.m. and adjourned at 8:09 p.m., until 9:30 a.m. on Thursday, October 6, 2011. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S6276.)

Committee Meetings

(Committees not listed did not meet)

FEDERAL BUDGET DEFICIT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Economic Policy concluded a hearing to examine perspectives on the economic implications of the Federal budget deficit, after receiving testimony from Maya MacGuineas, New America Foundation Committee for a Responsible Federal Budget, and Douglas Holtz-Eakin, American Action Forum, both of Washington, D.C.; and Roger C. Altman, Evercore Partners, New York, New York.

NOMINATIONS

Committee on Foreign Relations: Committee concluded a hearing to examine the nominations of Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan, Adrienne S. O'Neal, of Michigan, to be Ambassador to the Republic of Cape Verde, Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali, and Mark Francis Brzezinski, of Virginia, to be Ambassador to

Sweden, all of the Department of State, after the nominees testified and answered questions in their own behalf.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Ernest Mitchell, Jr., of California, to be Administrator of the United States Fire Administration, Federal Emergency Management Agency, Department of Homeland Security, after the nominee testified and answered questions in his own behalf.

FOOD SERVICE MANAGEMENT CONTRACTS

Committee on Homeland Security and Governmental Affairs: Ad Hoc Subcommittee on Contracting Oversight concluded a hearing to examine food service management contracts, focusing on if contractors are overcharging the government, after receiving testimony from Phyllis K. Fong, Inspector General, Office of Inspector General, Department of Agriculture; John F. Carroll, State of New York Assistant Attorney General, New York; and Charles Tiefer, University of Baltimore School of Law, Baltimore, Maryland.

THE ROLE OF JUDGES UNDER THE CONSTITUTION

Committee on the Judiciary: Committee concluded a hearing to examine considering the role of judges under the Constitution of the United States, after receiving testimony from Associate Justice Stephen Breyer, and Associate Justice Antonin Scalia, both of The Supreme Court of the United States.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 20 public bills, H.R. 3094–3113; and 3 resolutions, H. Res. 422–424 were introduced. **Pages H6623–25**

Additional Cosponsors: **Pages H6625–27**

Reports Filed: Reports were filed today as follows:

H.R. 2594, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes (H. Rept. 112–232 Pt. 1);

H.R. 1025, to amend title 38, United States Code, to recognize the service in the reserve components of certain persons by honoring them with status as veterans under law (H. Rept. 112–233);

H.R. 1263, to amend the Servicemembers Civil Relief Act to provide surviving spouses with certain protections relating to mortgages and mortgage foreclosures, with amendments (H. Rept. 112–234);

H.R. 2074, to amend title 38, United States Code, to require a comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents that occur at medical facilities of the Department of Veterans Affairs, with amendments (H. Rept. 112–235); and

H.R. 2302, to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to notify Congress of conferences sponsored by the Department of Veterans Affairs, with amendments (H. Rept. 112–236). **Page H6623**

Speaker: Read a letter from the Speaker wherein he appointed Representative Hartzler to act as Speaker pro tempore for today. **Page H6557**

Recess: The House recessed at 11:15 a.m. and reconvened at 12 noon. **Page H6566**

Suspensions: The House agreed to suspend the rules and pass the following measure:

Returning unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009: H.R. 1343, amended, to return unused or reclaimed funds made available for broadband awards in the American Recovery and Reinvestment Act of 2009 to the Treasury of the United States. **Pages H6570–73**

Cement Sector Regulatory Relief Act of 2011: The House began consideration of H.R. 2681, to provide additional time for the Administrator of the Environmental Protection Agency to issue achievable standards for cement manufacturing facilities. **Pages H6573–H6617**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Energy and Commerce now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H6581**

Rejected:

Waxman amendment (No. 11 printed in the Congressional Record of October 4, 2011) that sought to add a section to instruct the EPA Administrator not

to delay actions to reduce emissions from any cement kiln if such emissions are harming brain development or causing learning disabilities in infants or children (by a recorded vote of 166 ayes to 246 noes, Roll No. 747); **Pages H6581–87, H6605**

Rush amendment (No. 7 printed in the Congressional Record of October 4, 2011) that sought to add a subsection stating that section 5 is intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act (by a recorded vote of 162 ayes to 251 noes, Roll No. 748); **Pages H6587–89, H6605–06**

Capps amendment (No. 17 printed in the Congressional Record of October 4, 2011) that sought to add a section to include findings for health costs and benefits for the rules specified in section 3(b) (by a recorded vote of 158 ayes to 254 noes, Roll No. 749); **Pages H6589–92, H6606–07**

Schakowsky amendment (No. 1 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that mercury released into the ambient air from cement kilns addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin (by a recorded vote of 175 ayes to 248 noes, Roll No. 750);

Pages H6592–95, H6607

Waxman amendment (No. 9 printed in the Congressional Record of October 4, 2011) that sought to require the Director of the Office of Management and Budget to make a determination regarding whether this Act authorizes the appropriation of funds to implement this Act (by a recorded vote of 167 ayes to 254 noes, Roll No. 751);

Pages H6595–96, H6607–08

Waxman amendment (No. 16 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that if the rules specified in section 3(b) remain in effect, they are expected to reduce the amount of mercury that deposits to land and water (by a recorded vote of 169 ayes to 254 noes, Roll No. 752); **Pages H6596, H6608–09**

Pallone amendment (No. 21 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that Federal departments should support efforts to achieve the objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and to add a section relating to the reduction of blood-mercury concentrations (by a recorded vote of 166 ayes to 254 noes, Roll No. 753); **Pages H6596–98, H6609**

Jackson Lee amendment (No. 4 printed in the Congressional Record of October 4, 2011) that sought to strike in the Compliance Dates section ''not earlier than 5 years after the effective date of the regulation'' and insert ''not later than 3 years after the regulation is promulgated as final'' (by a recorded vote of 162 ayes to 262 noes, Roll No. 754);

Pages H6598–99, H6609–10

Quigley amendment (No. 8 printed in the Congressional Record of October 4, 2011) that sought to add a section relating to Protection from Avoidable Cases of Cancer (by a recorded vote of 175 ayes to 248 noes, Roll No. 755); **Pages H6599–H6600, H6610–11**

Connolly amendment (No. 18 printed in the Congressional Record of October 4, 2011) that sought to add a section relating to Protection from Respiratory and Cardiovascular Illness and Death (by a recorded vote of 176 ayes to 248 noes, Roll No. 756);

Pages H6600–01, H6611

Welch amendment (No. 20 printed in the Congressional Record of October 4, 2011) that sought to add a section that finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption (by a recorded vote of 174 ayes to 249 noes, Roll No. 757);

Pages H6601–02, H6611–12

Moore amendment (No. 2 printed in the Congressional Record of October 4, 2011) that sought to state that the Act shall not take effect until the President certifies that implementation will not adversely affect public health in the United States and will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants (by a recorded vote of 167 ayes to 256 noes, Roll No. 758); and

Pages H6602–04, H6612–13

Ellison amendment (No. 14 printed in the Congressional Record of October 4, 2011) that sought to require that not later than 60 days after the enactment of the Act, the Administrator shall publish a notice in the Federal Register estimating the public health impact of delaying regulation for the Portland cement manufacturing industry and Portland cement plants (by a recorded vote of 170 ayes to 252 noes, Roll No. 759). **Pages H6604–05, H6613**

Proceedings Postponed:

Cohen amendment (No. 23 printed in the Congressional Record of October 4, 2011) that seeks to insert a subparagraph relating to potential reductions in the number of illness-related absences from work due to respiratory or other illnesses; **Pages H6613–14**

Keating amendment (No. 5 printed in the Congressional Record of October 4, 2011) that seeks to insert a paragraph relating to a date for compliance with standards and requirements under such regulation in accordance with section 112(i)(3) of the Clean Air Act; and **Pages H6614–15**

Edwards amendment (No. 3 printed in the Congressional Record of October 4, 2011) that seeks to add a section that finds that if the rules specified in section 3(b) remain in effect, they will yield annual public health benefits of $6,700,000,000 to $18,000,000,000, while the costs of such rules are $926,000,000 to $950,000,000. **Pages H6615–17**

H. Res. 419, the rule providing for consideration of the bills (H.R. 2681) and (H.R. 2250) was agreed to yesterday, October 4th.

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, October 6th. **Page H6617**

Senate Message: Message received from the Senate today appears on page H6566.

Quorum Calls—Votes: Thirteen recorded votes developed during the proceedings of today and appear on pages H6605, H6606, H6606–07, H6607, H6608, H6608–09, H6609, H6610, H6610–11, H6611, H6612, H6612–13, H6613. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 8:32 p.m.

Committee Meetings

WORKPLACE SAFETY

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing entitled "Workplace Safety: Ensuring a Responsible Regulatory Environment." Testimony was heard from David Michaels, Assistant Secretary, Occupational Safety and Health Administration, Department of Labor; and public witnesses.

CHILDREN'S PRIVACY IN AN ELECTRONIC WORLD

Committee on Energy and Commerce: Subcommittee on Commerce, Manufacturing, and Trade held a hearing entitled "Protecting Children's Privacy in an Electronic World." Testimony was heard from Mary Koelbel Engle, Associate Director, Division of Advertising Practices, Federal Trade Commission; and public witnesses.

LINE-BY-LINE BUDGET REVIEW

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations, hearing entitled "Administration Efforts on Line-by-Line Budget Review." Testimony was heard from Clinton T. Brass, Analyst in Government Organization and Management, Congressional Research Service; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Financial Services: Subcommittee on Capital Markets held a markup of the following: H.R. 1965, to amend the securities laws to establish certain thresholds for shareholder registration, and for other purposes; H.R. 2167, the "Private Company Flexibility and Growth Act"; H.R. 2930, the "Entrepreneur Access to Capital Act"; H.R. 2940, the "Access to Capital for Job Creators Act"; and legislation regarding the "Small Company Job Growth and Regulatory Relief Act of 2011." The following were forwarded, as amended: H.R. 1965; H.R. 2167; H.R. 2930; H.R. 2940; and the legislation regarding the "Small Company Job Growth and Regulatory Relief Act of 2011."

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Full Committee held a markup of the following: H.R. 2830, to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes; and H.R. 2059, to prohibit funding to the United Nations Population Fund; and legislation to authorize appropriations for fiscal years 2012 and 2013 for the Trafficking Victims Protection Act of 2000, and for other purposes. H.R. 2830 was ordered reported, as amended. H.R. 2059 was ordered reported without amendment.

INTELLIGENCE SHARING AND TERRORIST TRAVEL

Committee on Homeland Security: Subcommittee on Counterterrorism and Intelligence held a hearing entitled "Intelligence Sharing and Terrorist Travel: How DHS Addresses the Mission of Providing Security, Facilitating Commerce and Protecting Privacy for Passengers Engaged in International Travel." Testimony was heard from Mary Ellen Callahan, Chief Privacy Officer, Department of Homeland Security, Thomas Bush, Executive Director of Automation and Targeting, Office of Intelligence and Investigative Liaison, Customs and Border Protection; and David Heyman, Assistant Secretary for Policy, Department of Homeland Security.

INTERNATIONAL NUCLEAR AND MARITIME TERRORISM AGREEMENTS

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled "The Implementation of Certain International Nuclear and Maritime Terrorism Agreements." Testimony was heard from Thomas M. Countryman, Assistant Secretary, Bureau of International Security and Nonproliferation, Department of State; and Brad Wiegmann, Principal Deputy Assistant Attorney General for National Security, Department of Justice.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a markup to request a Department of Homeland Security Departmental Report on the Beneficiary of H.R. 1857, for the relief of Bartosz Kumor. The bill was forwarded without amendment.

FOREIGN GRADUATES OF U.S. UNIVERSITIES

Committee on the Judiciary: Subcommittee on Immigration Policy and Enforcement held a hearing entitled "STEM the Tide: Should America Try to Prevent an Exodus of Foreign Graduates of U.S. Universities with Advanced Science Degrees?" Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Full Committee held a markup of the following: H.R. 306, the "Corolla Wild Horses Protection Act"; H.R. 443, to provide for the conveyance of certain property from the United States to the Maniilaq Association located in Kotzebue, Alaska; H.R. 588, to redesignate the Noxubee National Wildlife Refuge as the Sam D. Hamilton Noxubee National Wildlife Refuge; H.R. 850, to facilitate a proposed project in the Lower St. Croix Wild and Scenic River, and for other purposes; H.R. 991, to amend the Marine Mammal Protection Act of 1972 to allow importation of polar bear trophies taken in sport hunts in Canada before the date the polar bear was determined to be a threatened species under the Endangered Species Act of 1973; H.R. 1162, to provide the Quileute Indian Tribe Tsunami and Flood Protection, and for other purposes; H.R. 1461, the "Mescalero Apache Tribe Leasing Authorization Act"; H.R. 1466, to resolve the status of certain persons legally residing in the Commonwealth of the Northern Mariana Islands under the immigration laws of the United States; H.R. 1505, the "National Security and Federal Lands Protection Act"; H.R. 1556, to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes; H.R. 1740, to amend the Wild and Scenic Rivers Act to designate a segment of Illabot Creek in Skagit County, Washington, as a component of the National Wild and Scenic Rivers System; H.R. 2060, the "Central Oregon Jobs and Water Security Act"; H.R. 2351, the "North Cascades National Park Service Complex Fish Stocking Act"; H.R. 2352, to authorize the Secretary of the Interior to adjust the boundary of the Stephen Mather Wilderness and the North Cascades National Park in order to allow the rebuilding of a road outside of the floodplain while ensuring that there is no net loss of acreage to the Park or the Wilderness, and for other purposes; H.R. 2360, the "Providing for Our Workforce and Energy Resources (POWER) Act"; H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes; H.R. 2752, the "BLM Live Internet Auctions Act"; H.R. 2803, to direct the Secretary of the Interior, acting through the Bureau of Ocean Energy Management, Regulation and Enforcement, to conduct a technological capability assessment, survey, and economic feasibility study regarding recovery of minerals, other than oil and natural gas, from the shallow and deep seabed of the United States; H.R. 2842, the "Bureau of Reclamation Small Conduit Hydropower Development and Rural Jobs Act of 2011"; H.R. 2915, the "American Taxpayer and Western Area Power Administration Customer Protection Act of 2011"; and H.R. 3069, the "Endangered Salmon and Fisheries Predation Prevention Act".

The following were ordered reported without amendment: H.R. 588; H.R. 1461; H.R. 1466; H.R. 1556; H.R. 2351; H.R. 2352; H.R. 2360; H.R. 2578; H.R. 2842; H.R. 2915; and H.R. 3069. The following were ordered reported, as amended: H.R. 306; H.R. 443; H.R. 850; H.R. 991; H.R. 1162; H.R. 1505; H.R. 1740; H.R. 2060; H.R. 2752; and H.R. 2803.

IMPACT OF DOL/NLRB DECISIONS AND PROPOSED RULES ON SMALL BUSINESSES

Committee on Small Business: Full Committee held a hearing entitled "Adding to Uncertainty: The Impact of DOL/NLRB Decisions and Proposed Rules on Small Businesses." Testimony was heard from public witnesses.

FAA'S NEXTGEN PROGRAM

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing entitled "A Comprehensive Review of FAA's NextGen Program: Costs, Benefits, Progress, and Management." Testimony was heard from Michael P. Huerta, Deputy Administrator, Federal Aviation Administration; Calvin L. Scovel, III, Inspector General, Department of Transportation; Gerald L. Dillingham, Director, Physical Infrastructure Division, Government Accountability Office; and public witnesses.

PARTNERSHIP BETWEEN THE UNITED STATES PARALYMPICS AND THE DEPARTMENT OF VETERANS AFFAIRS

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity held a hearing entitled "Reviewing the Progress of the Partnership between the United States Paralympics and the Department of

Veterans Affairs to Promote Adaptive Sports.'' Testimony was heard from Christopher Nowak, Director, Office of National Veterans Sports Program and Special Events, Department of Veterans Affairs; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Ways and Means: Full Committee held a markup of the following: H.R. 3078, the ''United States-Colombia Trade Promotion Agreement Implementation Act''; H.R. 3079, the ''United States-Panama Trade Promotion Agreement Implementation Act''; and H.R. 3080, the ''United States-Korea Free Trade Agreement Implementation Act''. The following were ordered reported, as amended: H.R. 3078; H.R. 3079; and H.R. 3080.

Joint Meetings

No joint committee meetings were held.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1032)*

H.R. 2608, to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958. Signed on October 5, 2011. (Public Law 112–36)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 6, 2011

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: business meeting to consider the nominations of Richard Cordray, of Ohio, to be Director, Bureau of Consumer Financial Protection, Alan B. Krueger, of New Jersey, to be a Member of the Council of Economic Advisers, Executive Office of the President, David A. Montoya, of Texas, to be Inspector General, Department of Housing and Urban Development, Cyrus Amir-Mokri, of New York, to be Assistant Secretary of the Treasury, and Patricia M. Loui, of Hawaii, and Larry W. Walther, of Arkansas, both to be a Member of the Board of Directors of the Export-Import Bank of the United States; to be immediately followed by a hearing to examine the Financial Stability Oversight Council annual report to Congress, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider the nomination of John Edgar Bryson, of California, to be Secretary of Commerce, and promotion lists in the U.S. Coast Guard and the National Oceanic and Atmospheric Administration Commissioned Corps, Time to be announced, Room to be announced.

Committee on Environment and Public Works: Subcommittee on Children's Health and Environmental Responsibility, to hold an oversight hearing to examine Federal actions to clean up contamination from legacy uranium mining and milling operations, 10 a.m., SD–406.

Committee on Finance: to hold hearings to examine tax reform options, focusing on incentives for homeownership, 10 a.m., SD–215.

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Peace Corps and Global Narcotics Affairs, to hold hearings to examine the Peace Corps, focusing on the next fifty years, 10:30 a.m., SD–419.

Committee on Indian Affairs: to hold an oversight hearing to examine internet infrastructure in native communities, focusing on equal access to e-commerce, jobs and the global marketplace, 2:15 p.m., SD–628.

Committee on the Judiciary: business meeting to consider S. 1301, to authorize appropriations for fiscal years 2012 to 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in person, H.R. 368, to amend title 28, United States Code, to clarify and improve certain provisions relating to the removal of litigation against Federal officers or agencies to Federal courts, S. 1636, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, H.R. 394, to amend title 28, United States Code, to clarify the jurisdiction of the Federal courts, S. 1637, to clarify appeal time limits in civil actions to which United States officers or employees are parties, H.R. 2633, to amend title 28, United States Code, to clarify the time limits for appeals in civil cases to which United States officers or employees are parties, S. 1014, to provide for additional Federal district judgeships, and the nominations of Evan Jonathan Wallach, of New York, to be United States Circuit Judge for the Federal Circuit, Dana L. Christensen, to be United States District Judge for the District of Montana, Cathy Ann Bencivengo, to be United States District Judge for the Southern District of California, Gina Marie Groh, to be United States District Judge for the Northern District of West Virginia, Margo Kitsy Brodie, to be United States District Judge for the Eastern District of New York, Adalberto Jose Jordan, of Florida, to be United States Circuit Judge for the Eleventh Circuit, John M. Gerrard, to be United States District Judge for the District of Nebraska, Mary Elizabeth Phillips, to be United States District Judge for the Western District of Missouri, Thomas Owen Rice, to be United States District Judge for the Eastern District of Washington, David Nuffer, to be United States District Judge for the District of Utah, and Steven R. Frank, to be United States Marshal for the Western District of Pennsylvania, Martin J. Pane, to be United States Marshal for the Middle District of Pennsylvania, and David Blake Webb, to be United States Marshal for the Eastern District of Pennsylvania, all of the Department of Justice, 10 a.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Armed Services, Panel on Defense Financial Management and Auditability Reform, hearing entitled ''Is the Financial Management Workforce Positioned to

Achieve DOD's Financial Improvement Goals?'' 8 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, hearing entitled ''Chemical Risk Assessment: What Works for Jobs and the Economy?'' 9 a.m., 2123 Rayburn.

Committee on Financial Services, Full Committee, hearing entitled ''The Annual Report of the Financial Stability Oversight Council.'' 2 p.m., 2128 Rayburn.

Subcommittee on Insurance, Housing and Community Opportunity, hearing entitled ''The Obama Administration's Response to the Housing Crisis.'' 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection and Security Technologies, hearing entitled ''Cloud Computing: What are the Security Implications?'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Full Committee, markup of the following: H.R. 313, the ''Drug Trafficking Safe Harbor Elimination Act of 2011''; H.R. 1254, the ''Synthetic Drug Control Act of 2011''; H.R. 2471, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet; and H.R. 2870, the ''Adam Walsh Reauthorization Act of 2011''. 10:30 a.m., 2141 Rayburn.

Committee on Oversight and Government Reform, Subcommittee on Health Care, District of Columbia, Census and the National Archives, hearing entitled ''Obamacare's Employer Penalty and its Impact on Temporary Workers.'' 9:30 a.m., 2154 Rayburn.

Subcommittee on Technology, Information Policy, and Intergovernmental Relations and Procurement Reform, hearing entitled ''Protecting Taxpayer Dollars: Are Federal Agencies Making Full Use of Suspension and Debarment Sanctions?'' 9:30 a.m., 2247 Rayburn.

Committee on Small Business, Subcommittee on Contracting and Workforce, hearing entitled ''Subpar Subcontracting: Challenges for Small Businesses Contractors.'' 10 a.m., 2360 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Health, hearing entitled ''The Federal Recovery Coordination Program: Assessing Progress Toward Improvement.'' 8:30 a.m., 340 Cannon.

Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled ''Arlington National Cemetery: An Update on Reform and Progress.'' 10:30 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Human Resources, hearing reviewing unemployment benefit proposals in the President's latest jobs plan and assessing whether they will help the long-term unemployed return to work, 9 a.m., B–318 Rayburn.

House Permanent Select Committee on Intelligence, Full Committee, hearing entitled ''Domestic Threat Intelligence.'' 10 a.m., HVC 210.

Next Meeting of the SENATE

9:30 a.m., Thursday, October 6

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 1619, Currency Exchange Rate Oversight Reform Act, with a 10 a.m. filing deadline for second-degree amendments, and vote on the motion to invoke cloture on the bill at 10:30 a.m.

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, October 6

House Chamber

Program for Thursday: Complete consideration of H.R. 2681—Cement Sector Regulatory Relief Act of 2011.

Extensions of Remarks, as inserted in this issue

HOUSE

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