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House of Representatives

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

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 25, 2012.

I hereby appoint the Honorable BLAKE FARENTHOLD to act as Speaker pro tempore on this day.

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

MORNING-HOUR DEBATE

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

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

END OF LIFE CARE

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

Mr. BLUMENAUER. Mr. Speaker, our colleague, JIM MCDERMOTT, sent each of us a letter with a Time magazine cover article by Joe Klein entitled ''How to Die.'' This article is jarring to many because it's an issue that most would rather not confront. As a result, there's a great deal of unnecessary pain, confusion, and suffering. It masks one of the most important issues in health care, which, despite the manufactured controversy over ''death panels,'' is a rare, sweet spot in the health care debate. It can improve the quality of life, in some cases the length of life, and most importantly we can help people understand their circumstances and get the care that they want. If this happens, the cost of health care will go down even as satisfaction and quality goes up.

For most Americans, the protocols followed by almost every hospital and practitioner will be to give the maximum amount of the most aggressive care in end-of-life situations. Especially if patients have the money or insurance, they will be hooked up in their final stages of life to be resuscitated, their ribs cracked, and hearts massaged. There will be tubes inserted, chemicals pumped, and defibrillators will shock people, even if they have no awareness of what's going on, other than that they are being tortured.

When people are given the information, resources, and choices, the outcomes are much different. A telling story in The Wall Street Journal last February pointed out how doctors die differently. These are people with knowledge and where money is not usually a consideration. They can get any health care they want, but as a group, they regularly choose less intense, aggressive treatment and more palliative care. They are choosing the comfort and consciousness of being with family and friends in awareness over being hooked up in an ICU and struggling in their last minutes.

Doctors have a better quality of life, and it costs less money. Why can't all Americans spend their final days like doctors? The truth is, they can. My legislation—Personalize Your Health Care—was developed with leaders in health care insurance and palliative care. Patients and doctors alike would help make sure that patients and other health care professionals work with patients to help them understand what they're confronting, what their choices are, determine what works best for them and their families, and then make sure that whatever their decision is, that choice will be honored. Over ninety percent of Americans agree that this is the right approach.

There's an interesting little secret here that extreme treatments not only deteriorate your quality of life, but they're no guarantee of giving you more hours to live. Studies have shown that managing the pain perhaps in the hospice, along with the love and company of families in a familiar setting, in some cases actually leads to patients living longer. People can actually enjoy their remaining hours, and there are more remaining hours to enjoy.

If most of us were to script our departure, it would probably be to go quietly in the middle of the night in the comfort of our own bed. The second-best scenario would be to go at home in that same bed surrounded by family and friends, comfortable, and conversing until the end. The least favored option, I suspect, would be semiconscious with tubes in our bodies in an ICU setting with the institutional hum around and strangers bustling about. Is that anybody's hope for their final memories? Sadly, that's the fate that awaits many people who do not personalize their health care.

I strongly encourage my colleagues to look at this bipartisan legislation, H.R. 1589, and then to do what you can to have a thoughtful and rational conversation about this policy. Let's modernize Medicare to give people the care they want, to find out their choices, and make sure that those choices are respected.

We owe it to the American public, and we owe it to our families and friends to make sure that every American can have the same high quality of life in their final weeks as doctors have.

HIGH-LEVEL NUCLEAR WASTE

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

Mr. SHIMKUS. Mr. Speaker, on June 6, 2012, I offered an amendment to the Energy and Water appropriations bill to do the final scientific study to certify Yucca Mountain as the repository for high-level nuclear waste in this country, and I was joined by a large bipartisan amount from this Chamber, 326 ''yes'' votes, which I appreciate my colleagues who supported this amendment.

Among those in the Michigan delegation, which has 15 Members, there were 11 ''yes'' votes and only four ''no'' votes. Why is this all important? Because what I've tried to do over the past year and a half is help the educational process in explaining where nuclear waste is in this country and where it should be. We did pass a law back in 1982. I wasn't here then. Many of us were not. Then there were amendments to that law in 1987 that said Yucca Mountain in Nevada would be our repository, a long-term geological repository for high-level nuclear waste.

In Michigan, there are five nuclear power plants. They are all located along the Great Lakes. There's three on Lake Michigan, one on, I think, Lake Erie, right next to large bodies of water. Let's compare one of those, Cook, which has high-level nuclear waste on-site next to Lake Michigan, to where it should be, which is Yucca Mountain.

Currently at Cook, there are 1,433 metric tons of uranium of spent fuel on-site. At Yucca Mountain, which should be our single repository, there's currently none. Again, we started this in 1982. If it was at Yucca Mountain, it would be stored 1,000 feet underground. At Cook, it's stored aboveground in pools and in casks. If it was at Yucca Mountain, it would be 1,000 feet above the water table. At Cook, the nuclear waste is 19 feet above the water table. At Yucca Mountain, it would be 100 miles from the Colorado River where it is right next to Lake Michigan.

□ 1010

Yucca Mountain is obviously a mountain in a desert. There is no safer place.

So, as I mentioned, in the vote total from my colleagues here on the floor, we addressed this on the floor. We took a vote, 326 out of 425. That's a huge bipartisan majority.

Where do the Senators stand on this position? Well, you have three ''yes'' votes and one ''no'' vote. And actually, the ''no'' vote is a very good friend of mine, a former classmate in the House, Senator STABENOW of Michigan, who has voted against moving that nuclear waste out of her State into a mountain underneath the desert.

And part of this process is, because it is now politicized with the majority leader blocking any movement on this—elections have consequences; they matter—and it's time to educate the public throughout the country about which Senators support moving nuclear waste out of their State to a single repository and who does not. And, unfortunately, my friend Senator STABENOW is on the list as not being helpful.

I also have done this numerous times. I have gone through the whole country and covered all the Senators as far as public statements or actual votes. And as you see, we have 55 Senators who said, yes, let's move this to Yucca Mountain. You would think, oh, that is a simple majority. It should be done. But the Senate operates on interesting rules. They have to have 60. We have 22 who have never taken a position, either ''yes'' or ''no'' or any public statement. Some of these have served 5½ years. It's pretty amazing that we have such an important issue pending as this, and the Senate has yet to get on record. If only five of these 22 would say ''yes,'' we could continue to move forward on addressing our nuclear waste issues.

Now, nuclear waste is not just spent nuclear fuel. It's World War II defense waste that might be in Hanford, Washington. It could be scientific waste that might be in Idaho or in Tennessee. And especially after Fukushima Daiichi and the Blue Ribbon Commission, we have to have a single long-term geological repository.

We've gone on record in the House. We passed a law that said it should be Yucca Mountain in Nevada. It's time for the Senators to get past their leadership and do what's in the best interest of this country and their own individual States.

THE SECOND AMENDMENT IS NOT LIMITLESS

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

Mr. QUIGLEY. Mr. Speaker, 2 nights ago, six people were shot inside of 15 minutes in my home city of Chicago. Seven more victims were killed just last weekend by gunfire, including two 16-year-old boys. In Chicago, this year alone, over 200 people have been killed in shootings. And nationwide, every day, 34 people are killed by guns.

In the hours following the horrific tragedy in Colorado, we paused to reflect and send our prayers to families grieving an unimaginable loss. But now is the time to have a national discussion about how to stem these epidemic levels of gun violence.

I wish this tragedy in Aurora were an isolated incident, but it seems to be part of a recurring pattern: 19 people were shot, and eight were killed in Tucson in 2011; 29 people were shot, and 13 died at Fort Hood in 2009; 21 people were shot, and five were killed at Northern Illinois University in 2008; and 17 people were wounded, while 32 people died at Virginia Tech in 2007.

When will we have enough? When will we stand up and say we may not be able to stop every crime, but we can stop some of them and at least minimize the damage of others?

The gun lobby doesn't want us to have this conversation. First, they accuse anyone who tries to spark a national debate about how to mitigate gun violence with exploiting the deaths of innocent people. Yet no one was accused of exploitation when, after Hurricane Katrina, we discussed how to improve FEMA's emergency response, or after a deadly salmonella outbreak, when we debated how to improve public safety.

After such national tragedies, society should engage in a discussion about how to address and potentially prevent such tragedies from happening again. We might not all agree; but this is a democracy, and this is how public policy is made.

Next, the gun lobby seeks to stymie debate by arguing that guns don't kill people, people kill people. I don't buy this argument. I don't buy that there's nothing we can do to stop criminals and the mentally ill from killing if they want to. Sure, we can't stop them with 100 percent certainty; but we can make it a lot harder for would-be assassins.

We can ensure every gun is purchased after a background check, rather than only 60 percent of guns, as is the current case. And we can reduce the fatality rate by banning assault rifles and high-capacity magazines that are designed exclusively for killing dozens of people at once.

Finally, the gun lobby tries to argue that any attempt to regulate gun access is an attempt to restrict all gun access. This is simply not true.

There is such a thing as commonsense, middle-ground gun reform, and most gun owners support it. Eighty-one percent of gun owners support requiring a background check on all firearm purchases.

Yet 40 percent of U.S. gun sales are conducted by private sellers who are not required to perform background checks. These private sellers operate at gun shows where anyone can walk in and buy whatever gun they want. Convicted felons, domestic abusers, the severely mentally ill, and even people on the terrorist watch list can—and do—go into gun shows and buy any gun they want.

Ninety percent of all Americans also support strengthening databases to prevent the mentally ill from buying guns. But, sadly, 10 States have still failed to flag a single person as mentally ill in the national background check database, and 17 other States have fewer than 100 people listed as mentally ill. Over 1 million disqualifying mental health records are still missing from the database.

Finally, we must have a conversation about getting assault weapons and high-capacity magazines, machines designed exclusively for killing people, off the streets. When you have a 100-round clip on your gun, you are not

protecting your home. You are hunting people.

Let's be clear, this is not about restricting anyone's Second Amendment rights. The Supreme Court has ruled and made clear the right of Americans to own guns. But while reaffirming the Second Amendment, the Court was careful to note that the amendment is not limitless. Justice Scalia explained in Columbia v. Heller that ''like most rights, the Second Amendment is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

Can we stop every shooting? No. But can we reduce their frequency and deadliness? Absolutely. Can we do it while still respecting the Second Amendment? Of this I am certain. But the first step toward keeping dangerous guns out of the hands of dangerous people is to begin the conversation. Let's break the silence, stop the violence, and start that conversation.

UNIVERSITY RESEARCH REGULATORY BURDENS

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

Mr. BROOKS. Mr. Speaker, as chairman of the Science, Space, and Technology Subcommittee on Research and Science Education, I have seen Federal overregulation stifle research universities.

Earlier this year, the National Research Council of the National Academies released its report entitled, ''Research Universities and the Future of America: Ten Breakthrough Actions Vital to Our Nation's Prosperity and Security.'' This report examined Federal regulatory burdens on America's research universities.

On June 27, the Research and Science Education Subcommittee held a hearing on that report and whether regulatory red tape stifles scientific research. I asked our witnesses how we can enhance university scientific research capabilities. Their responses are instructive:

Mr. Chad Holliday, chairman of the National Academies Committee on Research Universities testified:

> Federal policymakers and regulators should review the costs and benefits of Federal regulations, eliminating those that are redundant and ineffective, inappropriately applied to the higher education sector, or impose costs that outweigh the benefits to society.

Dr. John Mason, Auburn University associate provost and vice president of research, testified:

> A comprehensive review of policies and regulations is perhaps the most important in this report. Streamlining the process, relieving unnecessary and costly administrative burdens, and coordinating research priorities among disparate Federal agencies will invigorate research universities exponentially.

Dr. Jeffrey Seemann, Texas A&M University chief research officer and vice president for research, testified:

> Federal agencies and Federal regulators must reduce and/or eliminate unnecessary, overly burdensome, and/or redundant regulatory and reporting obligations for universities and their faculty in order to maximize investments more directly into research priorities and allow faculty time to be optimally utilized.

Dr. Leslie Tolbert, University of Arizona senior vice president for research, testified:

> The growing burden of compliance with the increasing numbers and complexity of Federal regulations consumes increasing amounts of time and money, leaving less for more direct support for research.

□ 1020

Finally, Dr. James Siedow, vice provost for research at my alma mater, Duke University, testified that research universities have been subjected to a:

> Growing number of research-related compliance regulations that have flowed down from Federal agencies over the past 10 to 15 years. In that regard, the research-related and quality assurance costs to Duke between 2000 and 2010 rose over 300 percent. This perceived piling on of new reporting requirements has led to negative responses on the part of faculty, who see more and more of their time being committed not to actually carrying out the funded research but to a myriad of mundane administrative duties. The extreme to which some of these regulations have gone of late seems well beyond that needed to accomplish the original regulatory ends.

Consistent with their views, the National Academies recommended:

> Reduce or eliminate regulations that increase administrative costs, impede research productivity, and deflect creative energy without substantially improving the research environment.

I asked our witnesses to identify specific regulations to amend or repeal. They are preparing their lists. I look forward to receipt of their recommendations and working to repeal counterproductive red tape that does more harm than good.

According to the National Academies, if we successfully cut wasteful regulations, we:

> can reduce administrative costs, enhance productivity, and increase the agility of research institutions. Minimizing administrative and compliance costs will also provide a cost benefit to the Federal Government and to university administrators, faculty, and students by freeing up resources and time to support education and research effort directly. With greater resources and freedom, universities will be better positioned to respond to the needs of their constituents in an increasingly competitive environment.

Mr. Speaker, America's research universities are essential to America's scientific innovation. If we clear the red tape from their path and free them up, they will produce the fundamental research that fosters American exceptionalism and, equally important, results in economic growth and jobs.

TRIBUTE TO REVEREND JAMES LIGHTFOOT

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

Ms. JACKSON LEE of Texas. Mr. Speaker, it saddens me today to rise to pay tribute to the late James Lightfoot, pastor of the Mount Zion Missionary Baptist Church in Houston, Texas, who lost his life just a few days ago.

I am delighted I had the opportunity to visit Pastor Lightfoot and his church on their 44th anniversary. It was an exciting time, and he looked forward to the celebrating of the 44th year of his pastoral leadership of that church, as he started in 1968. I am gratified to salute this distinguished gentleman and distinguished American. He used faith in a way of service not only to his parishioners and to those whom he lead as a shepherd, but to those outside those bricks and mortar.

He concentrated on philosophy and ministry. That was his concentration at Southwestern Seminary. He completed a master's in education at Texas Southern University. He holds a Master of Divinity from Houston Graduate School of Theology, and a Doctorate of Ministries from the Austin Presbyterian Theological Seminary. At Houston Graduate and Austin Presbyterian the emphasis was on the philosophical implications of ministry as it affected the culture of today. He has done advanced training at Texas Southern University and Houston Graduate School of Theology in counseling. He did an internship at Bellaire Columbia General in their Rapha Unit.

He served as a lecturer in church administration in the Central Baptist Convention and teaches pastoral ministry. He was a conferee to the Transitional Church—Church Conference/Southern Baptist Convention. And as well, he was honored to serve as third vice president to the Independent General District Sunday School and BTU.

He was a gentleman that uses faith to be of service. He deals with the philosophical implications of peace and justice, issues for today's church. How important that is when so many people are hurting. In the backdrop of the tragedy of Aurora, it is imperative that our faith leaders are engaged in our community and pray for their deliverance.

I am delighted to say that he also worked with young people. He was a kind spirit. He was a charitable spirit. He was a professor at LeTourneau University—that's how much he cared for young people—where he taught Bible and Family. He was likewise an adjunct professor. He served on the mayor's affirmative action committee. He served as the chairperson of a Black Ministries Committee of the Union Baptist Association. As well, he has served in many civic and community affairs. As I indicated, he always had a summer program for young people who needed a place to come. He always had a smile on his face. He was always joyful. And, of course, he was a wonderful husband to his wonderful and devoted wife.

He had the privilege of speaking to over 20,000 persons in January of 1992, where he spoke to the Baptist General Convention of Texas—Evangelism Division, to an attendance of over 20,000 persons. And in January of 1992, he was guest preacher for the Mississippi Baptist State Evangelism Conference and delivered the Martin Luther King, Jr. Day sermon at the Austin Presbyterian Seminary, his alma mater.

What I would like to say most of all is that, beyond the accolades that he got on the outside, he was an outstanding human being, an outstanding minister, an outstanding civic leader, someone who continued to serve his community even during his time of illness. You never noted a lack of cheerfulness in Reverend Lightfoot. And in the early stages of his illness, I had the opportunity to visit him at home. And again, what a cheerful, believing person who loved America and served America in his capacity, and that was as a faith leader who believed in all persons, reached beyond his doors, helped build a beautiful new sanctuary on that same street, Homestead, did not move, continued to serve the community, and was known as a light to all.

My sympathies to Velma Mitchell Lightfoot, his wife, and his beautiful children and his eight grandchildren, and being a great-grandfather as well. The diversity of his training has led him to be that light, that servant, that special person. I believe it is appropriate to pay tribute to James Lightfoot who remains, even in death, a light to us all because of the great history and the great legacy he has left.

May God bless him, God bless his service, and I know that he would want me to say that God bless his most wonderful and most great Nation, the United States of America.

Pastor Lightfoot, may you rest in peace.

HONORING PAUL RODGERS PIERCE, JR.

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

Mr. WESTMORELAND. Mr. Speaker, I have come to the floor today to honor Mr. Paul Rodgers Pierce, Jr., for his 25 years of service to the State Theatre of Georgia and the Springer Opera House.

Paul was born on January 19, 1953, in Anniston, Alabama, to Mr. and Mrs. Paul R. Pierce. He attended East Rome High School and graduated from the University of Georgia in 1977. After graduation, he developed his passion for theater through working as an actor, director, designer, and booking manager on a number of national touring productions, such as the American Repertory Theater, Flat Rock Playhouse, and Circuit 21 Playhouse. Following his time on tour, he accepted the position of associate artistic director at the American Repertory Theater under the guidance of Mr. Drexel Riley, who was not only his mentor, but his friend.

Paul's adventures led him across the country when he accepted the position of managing director of Virginia's Wayside Theater, and then as artistic director of the Harbor Playhouse in Corpus Christi, Texas. Thankfully, his travels led him back to Georgia, where he became the artistic director of the Springer Opera House in 1988.

To say Paul was passionate about his job is an understatement. He expanded the artistic mission of the Springer Opera House and took its potential to new heights. Paul created the Spring Theatricals, a national touring company that reaches over 60 American cities annually. He hired Ron Anderson and created the Springer Theatre Academy that mentors and develops over 16,000 children and families through the year-round character education program. With Paul's additions, the audience of Springer has nearly tripled, and the bar for artistic excellence in the community has been held to a higher standard.

□ 1030

Paul has not only improved the artistic standards in the community, but the physical appearance of the Springer Opera House as well. Paul oversaw the National Historic Landmark Theatre's $12 million renovation in 1998 and has campaigned for over $11.5 million for the construction of the McClure Theatre for children's programs and education.

In his 25 years, Paul has helped put the Springer Opera House on the map. In 2008, the Georgia Council for the Arts declared it one of Georgia's top-ranked art institutions. Paul has served on with State Theatre of Georgia as producing artistic director with distinction and dedication and continues to further his mission through the pursuit of selfless innovations to improve the quality of life for the citizens and community of Columbus, Georgia

I'm proud to stand here today to honor and thank Mr. Paul Rodgers Pierce, Jr., for all he has done for the great State of Georgia, the city of Columbus, and all the children and families he has touched. Paul's devotion and commitment to theater is an inspiration to us all, showing us that with passion and hard work you can make a difference and leave a legacy that will never be forgotten. Thanks, Paul.

START WINNING THE WAR ON MILITARY SUICIDE BY ENDING THE WAR IN AFGHANISTAN

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

Ms. WOOLSEY. Mr. Speaker, more than 2,000 U.S. troops have been killed in the line of duty in Afghanistan. Unfortunately, that dramatically understates the human cost of this war, a war that is now nearly 11 years old.

A recent Time magazine cover story details the silent killer of our brave servicemembers—the tragically high suicide rate among Iraq and Afghanistan veterans and other members of the service. The article describes how one Army helicopter pilot, who had flown 70 missions in Iraq over 9 months—70 missions over 9 months—waited on the phone for 45 minutes to speak to the Pentagon crisis line when he was in severe distress. The last communication his wife received from him was a text in which he said, ''Still on hold.'' Several hours later, she found him in their bedroom with a fatal gunshot wound to the neck.

A second victim, an Army doctor who wasn't deployed to Iraq or Afghanistan, wrote an email to his wife minutes before hanging himself. It read:

> Please always tell my children how much I love them, and most importantly, never, ever let them find out how I died.

Mr. Speaker, we can no longer deny the devastating mental health impact of repeated deployments, of continued exposure to explosions, horror, carnage and destruction. Of course, in an institution like the U.S. military that values courage and toughness, there's a reluctance to admit to depression and anxiety.

Sometimes that manifests itself in the worst possible ways. For example, one Army major general wrote an angry diatribe on his blog about the selfishness of troops who killed themselves or were leaving others to ''clean up their mess.'' He admonished:

> Act like an adult, and deal with your real-life problems like the rest of us.

It's about time, Mr. Speaker, that we lost that attitude because we're losing brave Americans at a terrifying clip. In fact, according to the Time article, more soldiers have taken their own lives than have died in Afghanistan. While veterans make up 10 percent of the adult population, they account for 20 percent of the suicides.

We are starting to see more awareness of this problem, thank Heavens. Secretary Panetta says the right things, but it's time to back up rhetoric. It's time to back it up with more resources because the fact is only 4 percent of the Pentagon's medical budget is devoted to mental health, about the same amount that we spend on the Afghan war every day and a half. We spend $2 billion a year to treat servicemembers suffering from psychological trauma, but we spend $10 billion a month on the war that is the root of much of that trauma in the first place.

Even if the Afghanistan war ended tomorrow, Mr. Speaker, so much damage is already done. We would still be left with a huge crisis that will require more resolve than we are seemingly prepared to muster. I would expect every Member who has enthusiastically supported this war to just as eagerly support what it takes to fight the suicide epidemic this war has caused. It's

time to stop the bleeding to make sure our heroes are removed from the conflict that is inflicting so much damage. We can start winning the war on suicide by ending the war in Afghanistan.

Let's bring our troops home now.

NATASHA'S STORY

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

Mr. POE of Texas. Mr. Speaker, Natasha's life changed because she was the prey of a sexual predator.

Here's the beginning of her dramatic story:

In 1993, I was violently raped, sodomized and robbed at gunpoint by an unknown assailant. When I escaped and thankfully found myself in my apartment, my roommate insisted that I go to the hospital.

I agreed to wait for an ambulance, even though my first instinct was to take a shower. I'm so grateful today that I made that choice to go to that hospital.

Mr. Speaker, Natasha is one of many victims of this barbaric and dastardly crime. According to information released by the Centers for Disease Control, nearly one in five women in America has been raped at some point in their lives. As both a former prosecutor and a judge in Texas, I was involved with the criminal trials of rape cases for 30 years.

I learned firsthand the devastation that sexual assault victims experience, and I understand and learned that sexual assault does not just physically harm the victim; it harms their entire being both physically, emotionally, and mentally; and the pain sometimes lasts forever. Mr. Speaker, rapists try to steal the soul from their victims, and they try to destroy the self-worth of victims, and sometimes they do.

One of the most critical pieces of evidence for rape trials is the rape kit, a tool that gathers forensic evidence, including DNA evidence, to link the rapist to the crime. But, unfortunately, rape kits often languish in evidence rooms across the United States, some untested for years, some discarded before ever being tested, and some gather dust so long that the statute of limitations on the crime of rape has expired and the criminal can never be prosecuted. This ought not to be.

Mr. Speaker, Natasha's story did not end in that cold hospital examination room. She says further:

Ten years later, in 2003, I received a call from the New York City District Attorney's office. My rape kit, which unbeknownst to me had been sitting on a shelf for almost 10 years, had at last been finally processed. I had long since reconciled the fact that my perpetrator would never be held accountable for his actions. But now there was hope.

After a long trial, Victor Rondon was tried before a jury of his peers in 2008 and was found guilty on all eight counts of violent assault against me. He's in jail now for a long time. The best part for me is that he can never hurt anyone else.

My rape kit sat on a shelf for many years. It was not just a number in a police department. My rape kit was me—a human being. Every rape kit that sits on the shelf somewhere is a human being.

Mr. Speaker, Natasha's story humanizes rape kits ignored in evidence rooms throughout the country. Victims of sexual assault deserve justice, and their perpetrators deserve to be punished by courts and juries in America.

Stories like Natasha's compelled Congresswoman CAROLYN MALONEY from New York and me to introduce the Sexual Assault Forensic Evidence Registry Act, the SAFER Act, in the House, and Senators CORNYN and BENNET to introduce the same bill in the Senate. This bill would allow existing funds to be used to provide grants to States and localities to audit their rape kit backlog and also would call upon the Attorney General to create an Internet-based rape kit registry for sexual assault evidence testing. Estimates of untested rape kits are as high as 400,000 in America according to Human Rights Watch.

□ 1040

According to the DOJ's National Institute of Justice, 43 percent of the Nation's law enforcement agencies don't even have a computerized system to track forensic evidence, either in their inventory or after it is sent to a crime lab. The SAFER Act would allow criminal evidence to be prosecuted and processed, and these do-bads to be held accountable for their dastardly deeds.

Mr. Speaker, the insensitive say there's no money for these exams, these rape kit tests. Well, Congress needs to find the money. Maybe, instead of sending money to foreign countries to help them, keep some of that money in America to help American rape victims like Natasha. Help them get justice. Because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

FEDERAL RESERVE TRANSPARENCY ACT

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

Mr. DUNCAN of Tennessee. Mr. Speaker, later today, we will vote on H.R. 459, the Federal Reserve Transparency Act of 2012. Because this legislation comes to us on the suspension calendar, it will require a two-thirds vote in favor of passage.

I rise today in support of a full audit of the Federal Reserve. I have thought for many years that there's too much secrecy and too much power vested in our Federal Reserve. This is an effort that I first joined in June of 1991, in the 102nd Congress, when I cosponsored a bill introduced by Congressman Phil Crane of Illinois to audit the Federal Reserve.

Even back then, before our most recent major financial recession, Congressman Crane's bill had 56 bipartisan cosponsors. That support has grown over the years, and in the 111th Congress, the last Congress, Congressman RON PAUL's ''audit the Fed'' bill gathered an overwhelming 320 cosponsors from both parties. Now that support, I believe, is at 270 in this Congress.

Thomas Jefferson was one of our Founding Fathers who was concerned about putting too much power into a central bank, and he wrote in a letter in 1816 ''that banking establishments are more dangerous than standing armies.'' That was not me; that was Thomas Jefferson.

Listen to what people are saying about this bill today from both ends of the political spectrum.

Matt Kibbe, president and CEO of Freedom Works, said:

Many economists have found that the central bank's loose monetary policy played a major role in the current economic crisis. It is more crucial than ever that the Federal Reserve's monetary decisions be examined. Without a comprehensive audit, we will never know how the Fed is manipulating our money behind closed doors.

The National Taxpayers Union, one of our most respected organizations, said:

American taxpayers deserve to know more about the workings of a government-sanctioned entity whose decisions directly affect their economic livelihood.

Arnold Kling, an author and scholar at the Cato Institute, said:

If an audit were to uncover serious flaws and decisions made by the Fed, it is difficult to see why we are better off remaining ignorant of such flaws.

Journalist and columnist Rick Sanchez said:

For an entity that wields so much power, we know relatively little about the Fed. Would you trust an unknown banker to decide what happens with your paycheck every week? Why do we accept this for our country?

And Brent Budowsky, a very liberal political opinion writer, wrote in support of an audit and said:

In my years of experience in politics, media, and business, I have learned that secrecy is usually the enemy of common sense, fairness, and sound policy.

Another liberal economist, the famous John Maynard Keynes, said this:

There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency.

And a very conservative—one of the most respected conservative economists, F.A. Hayek, said this:

When one studies the history of money, one cannot help wondering why people should have put up for so long with governments exercising an exclusive power over 2,000 years that was regularly used to exploit and defraud them.

I have heard over the years, Mr. Speaker, people say that we need to have a Federal Reserve and a Federal Reserve system in order to prevent depressions and recessions. Well, that is certainly a very, very dumb statement to make because the Federal Reserve was created in 1913, and 16 years later,

in 1929, we started our greatest depression. I think we have had more recessions and more downturns in the economy since the Federal Reserve was created than we ever had in the entire history of our country before that system was created.

I'm not saying that it is a bad system or that it's wrong to have some type of Federal Reserve system, but it certainly is one that deserves more attention from the Congress. And surely, it is one that has too much secrecy and too much power in this day, and at least the Congress needs to look into it more than it has since that system and that board was created.

RECESS

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

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

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

PRAYER

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

We give You thanks, O God, for giving us another day.

As we begin the 15th year since that terrible day, we ask Your blessing once again upon the families of Officer Jacob Chestnut and Detective John Gibson. We ask as well Your protection for the entire Capitol Police corps, who mourn the loss of their brothers in uniform. Thank You for calling them all to their lives of service.

Please hear our prayers for the Members of this assembly upon whom the authority of government is given. Help them to understand the tremendous responsibility they have to represent both their constituencies and the people of this great Nation of ours. This is a great but complex task. Grant them as well the gift of wisdom to sort through what competing interests might exist to work a solution that can best serve all of the American people.

Finally, give each Member peace and equanimity. And give all Americans generosity of heart to understand that governance is not simple, but difficult work, at times requiring sacrifice and forbearance.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. MCINTYRE led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

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

HOUSE REPUBLICANS HAVE ACTED, PRESIDENT REMAINS AWOL ON SEQUESTRATION

(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, defense sequestration is a very real danger that will threaten our national security, put our brave men and women in uniform at risk, and destroy up to 1 million jobs across our country. Sadly, the President avoids action on this extremely important issue.

House Armed Services Committee Chairman BUCK MCKEON has recently been quoted in Politico saying:

We're overdue for guidance from the administration on how they interpret the law and plan to implement sequestration mechanically.

Last May, House Republicans voted to prevent sequestration by passing legislation which replaces these drastic defense cuts while maintaining a strong national defense. Additionally, one week ago today, the House passed the Sequestration Transparency Act with an overwhelming bipartisan vote of 414–2, which holds the administration accountable for these cuts. I urge the President and Senate to act before it's too late and hundreds of thousands of hardworking Americans lose their jobs.

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

IT'S TIME TO HOLD FEDERAL RESERVE ACCOUNTABLE

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

Mr. KUCINICH. On a day Congress will decide whether to audit the Fed, The Washington Post reports that the New York Fed ''did not communicate in key meetings with top regulators that British bank Barclays had admitted to Fed staffers that it was rigging Libor,'' the index which sets interest rates worldwide.

The Fed wants to be spared a full audit. They want monetary deliberations private. Then they use that privacy shield to keep irregularities from regulators and from congressional view, exposing investors and consumers to massive losses.

Of course the Fed wants to continue a system where there is no transparency, no accountability, where they can cover up manipulations of markets and interest rates. But should we endorse this system? When things fall apart, who do the banks come to clean up the mess? Congress.

The Fed creates trillions of dollars out of nothing and gives it to banks; Congress is in the dark. The Fed sets the stage for the subprime meltdown; Congress is in the dark. The Fed takes a dive on Libor; Congress is in the dark. The Fed doesn't tell regulators what's going on; Congress is in the dark.

It's time to bring the Fed into the sunshine of accountability. Vote for the audit.

NIGERIAN TERRORISM

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

Mr. PITTS. Madam Speaker, I rise today to bring attention to recent attacks by the Boko Haram terrorist group in Nigeria. Attacks in Nigeria's Plateau state on July 7 and 8 left 198 families displaced, 88 people dead, and 187 houses burnt.

On July 8, during the mass funeral for the victims, they were attacked. Two serving members of the National Assembly—Gyan Dantong and Gyang Danfulani—were also killed. Boko Haram took credit for the attacks, stating in their release that Christians ''will not know peace again'' if they do not accept Islam.

Madam Speaker, these attacks are acts of terrorism performed by a terrorist group against innocent Christians. It's time the State Department labels Boko Haram for what it is—a foreign terrorist organization. We must not be afraid to identify and confront attacks of terrorism wherever they might be.

Our prayers are with the innocent victims as they mourn the loss of their loved ones.

FLIGHT SAFETY AND PILOT TRAINING SAFETY REFORMS FROZEN

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

Ms. HOCHUL. Madam Speaker, on February 12, 2009, Flight 3407 crashed into a house in my district, killing all

the passengers and an individual in his home. Out of that devastation, there was a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up and are eagerly awaiting the final implementation of those potentially life-saving rules.

Sounds like a happy ending, doesn't it? And yet this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms.

With the so-called ''Regulatory Freeze Act,'' these reforms would simply die. Some who voted for them in the past now call them job killing. I call them people saving.

Listen, I know we need to end overburdensome regulations on small business and farmers—I get it. But there's a commonsense way to do it. But to freeze all government regulations—all of them—regardless of the health and safety of our citizens is over the top even for this town. This only proves that Washington is broken and we need to fix it. This country deserves a better Congress.

MOUNTAIN HOME BOMB SQUAD GLOBAL WORLD SERIES CHAMPIONSHIP

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

Mr. CRAWFORD. Madam Speaker, I rise today to recognize the Mountain Home AAA 11-year-old baseball team for winning the Global World Series Championship earlier this year.

During the 4-day, 24-team tournament, the Mountain Home Bomb Squad suffered a first round loss, but went on to win six straight games. In the championship game, they defeated the Missouri Wildcats 10–1. This championship is a great source of pride for the entire Mountain Home, Arkansas, community.

I'd like to commend the team manager, Dr. Eric Arp, and Coaches Tony Dibble and George Sitkowski for their leadership on the 11-and-under Global World Series Championship. Additionally, I would like to recognize players Garrett Steelman, Austin Mize, Clayton McManness, Luke Dibble, Sam Arp, Bradley Ludwig, Austin Helms, Luke Jackson, Jordan Anderson, Will Sitkowski and Luke Kruse for their leadership as well.

Now that the Bomb Squad has brought a Global World Series trophy home to Mountain Home, I have no doubt that the players will set new, even higher goals to achieve.

Congratulations once again to the Mountain Home Bomb Squad and the entire Mountain Home community for their Global World Series victory.

□ 1210

PROTECT THE RIGHT TO VOTE

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

Ms. CHU. Few things are as sacred as the right to vote. Generations have fought, bled, and died so that you and I can have a voice in our democracy. This is why we must guard against measures that take this away, like the Chinese Exclusion Act of 1882, which prohibited all Chinese immigrants from becoming naturalized citizens so that they would not be able to vote. It lasted 60 years, until 1943, preventing people who'd lived in this country for decades from exercising their voices.

Laws like this, poll taxes, or literacy tests, should be a thing of the past in America. Every U.S. citizen, no matter what their background, should have access to the polls. But today, State governments across the country are enacting laws making it much harder for as many as 5 million Americans to vote, requiring, for instance, photo IDs for grandmothers who voted for years but no longer drive.

When barely half of Americans vote, we should not be erecting more barriers to democracy. We should be removing obstacles. We must protect the right to vote.

WHY FOCUS ON RED TAPE?

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

Mr. HULTGREN. Madam Speaker, on Monday I hosted a jobs fair in the western suburbs of Chicago with several of my colleagues. Over 1,500 jobseekers showed up.

I've visited with more than 100 northern Illinois business owners since I entered Congress. In each factory tour and office visit I ask: What would it take for you to create one more job, just to hire one more person? The answer is always the same: Cut red tape.

The reality is 60 to 80 percent of all new jobs come from small businesses. Red tape throws an unfair burden on small businesses and paralyzes job creators. It has led to the least number of business start-ups in decades.

There's a reason we focus so much on rolling back red tape here in the House. It's jobs.

GROUP A STREP INFECTIONS

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to raise awareness of group A strep infection. A series of tragic events within my district have brought this pressing health situation to my attention. One of my constituents, Stephen Sweetman, a dedicated fireman, contacted my office after the deaths of his mother and his 2-year-old son.

Sean died just days after originally presenting with invasive strep A symptoms last February. After flying to New York for Sean's wake, Mr. Sweetman's mother died of group A strep infection just 14 days after her grandson. Both were originally misdiagnosed with a stomach bug.

While medical diagnosis presents enormous challenges, especially for rare diseases, I am deeply concerned with the medical misidentifications which led to these terrible deaths. Recently, several of my colleagues and I sent a letter to the Appropriations Committee asking that we focus on this issue.

I hope that we can come together to raise awareness for group A strep infections.

OBAMACARE COSTS—CBO CONFIRMS

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

Mr. STEARNS. Madam Speaker, the Congressional Budget Office came out with its report yesterday, their latest analysis of the President's health bill, and what it confirms is there are flaws in the law.

CBO reports that this $1.6 trillion program will cost individuals and businesses $5 billion more than was initially estimated. CBO says that the health premiums that they already predicted would increase by $2,100 now will increase even more. CBO estimates that 11 million people who currently have employer-based coverage will simply lose their health plan.

The President said we could keep our coverage, but under the law, employers are dropping coverage, and premiums are simply increasing, which drives up the cost of health care for everyone. And remember, historically, the CBO greatly underestimates their analyses.

We need to repeal this law and replace it with commonsense solutions that simply increase competition in the marketplace and places the consumer, not the government, in charge of health care.

GRANT AFFECTED STEEL WORKERS ELIGIBILITY FOR COMPENSATION

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

Mr. HIGGINS. Madam Speaker, an alarming number of former employees at Bethlehem Steel in western New York are now suffering from cancer and other diseases due to radiation exposure as a result of having unknowingly worked with and around uranium during the Cold War.

After a multiyear fight, and thanks to the determination of workers and their families, those who were employed at the site from 1949 to 1952 are eligible for $150,000 in compensation for

their injuries. However, the cutoff at 1952 is arbitrary because no serious mitigation was undertaken until 1976.

Madam Speaker, those workers should also be eligible for just compensation. I am working with our Senators to urge the Centers for Disease Control and the National Institute for Occupational Safety and Health to meet with these workers, hear their stories, and finally grant them eligibility for just compensation.

LEAD, FOLLOW, OR GET OUT OF THE WAY

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

Mr. PALAZZO. Madam Speaker, President Obama's failed economic policies have brought us more than 41 months of consecutive record unemployment. My State of Mississippi and the Nation are starving for jobs. In Mississippi, we like jobs and we want more jobs, not less.

However, this President has been AWOL, absent without leadership, when it comes to protecting and providing for our economic and national security, both of which are under assault by this President and the ''do nothing'' Democrats in the Senate.

What keeps me up at night is the fear of sequestration. Sequestration, if allowed to go into effect, is irreversible, irresponsible, and will cost America 1 to 2 million jobs. Sequestration will affect every community in every State in the Nation for the worst.

Our economic and national security are symbiotic of one another. We must have a strong economy to provide for our national defense, and a strong military to protect our economy. The American people do not want this administration to harm our economic and national security any more than it already has. Stop sequestration now.

I say to the President, it is time to lead, follow, or get out of the way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

HONORING THE SERVICE OF DONNA OTTAVIANO

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

Mr. CICILLINE. Madam Speaker, I rise today to honor a superb public servant, Dr. Donna Ottaviano, who has served as the Superintendent of Schools for the Town of North Providence since 1981.

Families in North Providence have benefited greatly from Dr. Ottaviano's experience, dedication and, leadership. The entire school district, including faculty, staff, students, and parents, are sad to see her leave.

Access to a quality public education is a cornerstone of ensuring that our country and my home State of Rhode Island will succeed in the years ahead. Making sure our young people have access to the best education possible is critical.

I know that Dr. Ottaviano's vast experience, extraordinary dedication, and professionalism will serve her well in her new position with the East Bay Educational Collaborative and benefit Rhode Island schools from Newport to Woonsocket.

I congratulate Dr. Ottaviano on her new appointment, wish her well, and thank her for her dedicated service.

SOUNDING THE ALARM ON SEQUESTRATION

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

Mr. RIGELL. Madam Speaker, I join my colleagues this morning to sound the alarm of a serious threat facing our country, one that has been addressed by this body and now awaits action by the Senate and the President. It is not an external threat, but one that is totally within our control. Known as sequestration, this sharp severe cut to our defense budget can and must be stopped.

The warnings from the Secretary of Defense and each of our service chiefs must be heeded. The Chief of Naval Operations, Admiral Greenert, described it this way. He said the cuts would do ''severe and irreversible damage'' to our Navy.

Madam Speaker, where is the President's outrage at this prospect? Where is his leadership in his role as Commander in Chief?

The House passed legislation which would stop the cuts. My amendment to the National Defense Authorization Act requires the Senate to address it head-on.

Madam Speaker, we've led. I truly believe that we've taken action to stop the cuts. The irrefutable truth is that the same is not true of the Senate and the administration.

Now, we have time to do what is right, but that time is short. I call on the President and the Senate to do what is right: to lead, to lead by example, to bring us together as a nation to stop the cuts. We must look to the future and shape the future, not look behind us.

□ 1220

JOBS AND TAXES

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

Mr. BACA. Madam Speaker, the American people need a tax plan that will help grow the middle class and create jobs right here in the United States.

The American people want jobs to take care of their families. Sadly, the Republicans are holding the tax breaks for 98 percent of Americans hostage so that they can prevent millionaires and billionaires from paying their fair share of taxes. The Bush tax cuts for the ultra rich have failed to create any new jobs. They must be allowed to expire. Instead of working together on a bipartisan tax plan to strengthen our economy, Republicans are pushing for a plan to balance the budget on the backs of seniors and the middle class and to end Medicare as we know it by turning it into a private voucher system.

Congress must stop protecting billionaires at the expense of Medicare and the middle class. Let's work together. Let's work together on a bipartisan plan that will cut taxes for 98 percent of Americans, that will protect Medicare and that will create jobs right here in the United States.

IN RECOGNITION OF CARSON BAIRD

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

Mr. THOMPSON of Pennsylvania. Madam Speaker, as cochair of the Career and Technical Education Caucus, I rise to recognize Mr. Carson Baird on his retirement from Penn State University's Learning Factory.

Carson Baird's background in motorsports started in racing while he proudly served in the United States Army. Following his service, he went on to hold the International Motor Sports Association Championship, three manufacturer championships, and three driver championships, having raced in classics such as the 24 hours of Daytona and the 24 hours at LeMans.

Since 1994, Carson Baird has served as supervisor of the Learning Factory, supporting the mission to bring the real world into the classroom by providing engineering students with hands-on experience through industry-sponsored projects. Carson Baird helped oversee an expansion of the Learning Factory that doubled its size, and in 2006, he was part of a team honored with the National Academy of Engineering's Gordon Prize for ''Innovations in Engineering Education.''

Carson Baird has applied his motorsports background to assist nearly 700 students on 150 projects that span 13 majors and engage students in five colleges.

I commend Mr. Carson Baird on his vision and dedication to tomorrow's engineers, and I wish him the best in his retirement.

NATIONAL YOUTH SPORTS WEEK

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

Mr. MCINTYRE. Madam Speaker, as founder of the Congressional Caucus on Youth Sports, I rise to commemorate

the National Youth Sports Week we celebrate and to recognize 50 million children who participate in youth sports.

It is fitting this year that National Youth Sports Week falls on the eve of the Summer Olympic Games, because many Olympians, like Andy Roddick, Misty May-Treanor, Ryan Lochte, and Sanya Richards Ross, all began their careers as young athletes. Sports can make a difference in a child's life. Student athletes make better grades, they get in less trouble, and they are less likely to be obese. Sports can build character and teach values like sportsmanship, teamwork, civility, respect, and discipline.

We cannot recognize the players without thanking the coaches and volunteers who mentor these kids, folks like my chief of staff, Dean Mitchell; my pastor, who is here today, Matt Rich, with whom my son Stephen has coached; and all the many others who give their time and their efforts to help our young people.

Not all youth athletes grow up to be Olympians, but youth sports can shape the lives of all of us and make us better citizens, whatever our callings in life. May God grant that none of us are ever too busy to help a child.

And I leave you with a final thought: Go Team USA!

THE DARK SPECTER OF SEQUESTRATION

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

Mr. WEST. I spent 22 years of Active Duty service in the United States Army. One of the things that seriously concerns me is this dark specter that hangs over our country right now that is called ''sequestration.''

It would mean that we will hollow out our military force: that we would have the smallest ground force since 1940, the smallest Navy since 1915, the smallest number of fighter aircraft that we've ever had since the creation of the modern United States Air Force.

This morning, at the Army Aviation Caucus breakfast, I sat between two distinguished fliers. One was the commander of the 160th Special Operations Aviation Regiment. Another was Chief Warrant Officer Ford. Between the two of them, they had almost 40 deployments into combat zones. Also at that breakfast this morning was a former cadet of mine, now Lieutenant Colonel Dave Almquist, a distinguished master aviator in the United States military.

Our men and women are watching us—the men and women who are the best and the brightest that this country can produce. But as well, our enemies are watching us to see what we will do to our United States military. Let us learn the lessons from post-World War I, post-World War II, and post-Korean War. Let's not gut our United States military. Let's own up to our responsibilities in article I, section 8.

WE NEED A FARM BILL NOW

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

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to request the House of Representatives be allowed to vote on the 2012 farm bill. With many of the provisions of the previous farm bill set to expire on September 30 and with only 13 legislative days scheduled between now and then, we cannot afford delay.

Whether it's from Mother Nature or market prices, our farmers face an incredible amount of uncertainty. We cannot allow this Congress to be another cause for concern. Farmers in Indiana and throughout our country don't have time for political games. They have a Nation and a world to feed and an economy that relies on them to be all-star performers and to increase productivity every single year.

Mr. Speaker, bring the farm bill to the floor now. If not, let's stay here through all of August, all of September, all of October, all of November, and all of December until we get this work done. There is no excuse for not having a vote on the farm bill. We need a farm bill now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that they are to address remarks to the Chair.

LET'S WORK TOGETHER TO FIGHT AIDS

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

Ms. BONAMICI. This is an important week for the United States as we host the International AIDS Conference for the first time in 22 years.

Decades ago, our country made the shameful decision that no one who is HIV positive could enter our borders. With the President's lifting of that ban and a greater attention to the AIDS crisis, along with the advent of drugs that help those with HIV live longer, we are approaching what we should have always been—a global leader in the fight against AIDS.

Countless Oregonians have been affected by AIDS. I've personally lost friends to AIDS, and as of June 30, more than 5,600 people in Oregon were living with HIV. It's time to eliminate the stigma associated with HIV/AIDS and to focus on prevention, treatment, and care.

The participants of the conference this week show immense dedication to the fight against HIV and AIDS, both in the U.S. and abroad. Congress should have the same dedication. Funding for prevention and treatment programs is crucial, as is funding for medical research and drug development.

We've come a long way, but there is still a lot of work to do. I urge my colleagues to join me. Speak out. Help to end the stigma. Let's work together to fight AIDS.

HAPPY 75TH BIRTHDAY, SPAM

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

Mr. WALZ of Minnesota. I rise today to honor southern Minnesota's own Hormel Foods for its 75 years of producing its world-renowned, iconic product—SPAM.

Entrepreneur George Hormel opened up his meat processing plant in 1891 in Austin, Minnesota, but it was his son Jay who came up with the idea of canned spice ham. Thus, in 1937, SPAM was born. SPAM served an essential role in World War II. Over 100 million pounds of SPAM were sent to the European front to aid the war efforts. After the war, SPAM's popularity soared globally. Over 7 billion cans have been sold.

Since the inception of SPAM, Hormel has always kept its company's roots in southern Minnesota, providing thousands of good-paying jobs and economic stability for middle class folks in Austin. Hormel also has a rich history of giving back. They've partnered with organizations to provide food for malnourished children around the world. In partnership with the University of Minnesota and the Mayo Clinic, they opened the world-renowned Hormel Institute, which gave us Omega-3 and -6 fatty acids in cancer reduction.

SPAM is an important part of our history. It played an essential role in feeding our troops, in creating jobs, and it has become an iconic American product. So, today, I honor Hormel's past, and I look forward to their future. Happy 75th birthday, SPAM.

□ 1230

EVERYONE GETS A TAX CUT

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

Mrs. MALONEY. Madam Speaker, there seems to be some misunderstanding on the other side of the aisle on the tax cuts that the Democrats are now proposing.

Yes, we want to cut taxes for the middle class. We think that it is critical for our economic recovery. We also want to cut taxes for everyone else, including the most fortunate, but only on the first $250,000 of their earnings. On that portion of their earnings, they will receive the exact same tax cut as the middle class. But if we hope to seriously address the issue of long-term deficits and debt, we can't do it by spending cuts alone.

According to the nonpartisan fact-checking organization FactCheck.org, in 2009 Federal tax rates were the lowest level in 30 years. Let's make one of those hard choices the other side of the aisle likes to talk about. Let's extend the middle class tax breaks, but let the tax cuts for the most fortunate expire and use every bit of that revenue to help pay down the deficit and get our economy moving in the right direction.

KEEP OUR NATION SAFE

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

Mr. ROONEY. Madam Speaker, keeping our Nation safe is our most important responsibility under the Constitution as Members of Congress.

When we talk about sequestration, we're really asking are we really going to shirk that responsibility, are we really going to cut national defense and force our country to grow weaker and weaker over the next 10 years. If we don't prevent these massive cuts, we'll be left with our smallest ground forces since 1940, fewest ships since 1915, and our smallest Air Force in our history.

Our Secretary of Defense says these cuts would be devastating and would seriously damage readiness. Does anything else we really do here matter if we knowingly let our defenses down, if we aren't ready to be able to defend ourselves?

If there's wasteful spending in the Pentagon budget that we could cut without impacting national security, then we should do so. I led the fight to kill the extra engine for the F–35 Joint Strike Fighter program, saving taxpayers billions of dollars. The White House doesn't dispute the impact of these cuts, but won't put forward an alternative. The Majority Leader of the Senate won't schedule a vote on the House bill, but won't introduce a plan either. We have to do something to avoid these massive cuts to keep our country safe.

DISENFRANCHISING VOTERS

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

Mr. ELLISON. Madam Speaker, State legislatures all across the country are passing photo ID laws that could strip millions of Americans of their right to vote. Students, communities of color, low-income individuals, and seniors are particularly at risk of being disenfranchised.

As just one example, in March this year, a World War II veteran in Tennessee was denied the right to vote because he did not have an ID that matched his assisted living address. In Minnesota, which is considering a misguided constitutional amendment on photo ID, 215,000 registered voters don't have a driver's license or ID card with a current address on it; and if it passes, it will disenfranchise all of them.

Why put these hundreds of thousands of voters at risk? Proponents claim fraud, but there's not any fraud. Voter fraud is already illegal, and the number of confirmed cases is insignificant statistically. There are only a tiny number of cases. For this, we're going to disfranchise literally millions of people?

CANCER FREE LABEL ACT

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

Mr. DEUTCH. Madam Speaker, we all know that wearing sunscreen, quitting smoking, or steering clear of asbestos can reduce our cancer risk. Yet, carcinogens are all around us, and exposure to these cancer-causing agents can be found in everyday products and in the food we eat.

For the most part, consumers are kept in the dark with no way to know for sure whether the makeup they use or the food they eat contains known carcinogens. It's time to help consumers choose safer products for themselves and for their loved ones. That's why today I'm introducing the Cancer Free Label Act. My bill will give companies the chance to market to consumers the fact that the products that they make are free of carcinogens.

Just as consumers refused to buy baby products laden with BPA and nearly wiped this chemical from the shelves, the Cancer Free Label Act will use market-driven forces to drive change. By passing the Cancer Free Label Act, we can give families across America the opportunity to avoid cancer-causing agents. And by promoting healthier choices, we will even be able to save lives.

DOMESTIC TERRORISM

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

Mr. MORAN. Madam Speaker, I appreciate the moment of silence that we extended the victims of the Aurora, Colorado, massacre yesterday. But the more telling silence is this body's refusal to address the issue of gun control. As a result, a comparable number of Americans will be killed by firearms every day. There are 10,000 homicides by firearms in America every year, 19 times the number of firearm deaths in all civilized countries combined.

Today is the anniversary of the shooting deaths of two of our Capitol policemen. We responded to those killings with remorse and even more heartfelt condolences after our colleague Gabby was shot, but 60 more multiple murders have been committed since then.

Thirty-two innocent students at Virginia Tech were massacred, and Virginia's legislative body actually weakened the State's gun control laws, suggesting that the fault was with the students because they weren't carrying firearms themselves. A similar comment was made by a Member of this body after the Aurora killings that there should have been a shootout in that darkened theater.

This is domestic terrorism, Madam Speaker. We ought to stop being so soft on such crime. If this shooting had been committed by foreign terrorists, we'd send the marines out after them, but foreign terrorists don't buy their weapons from dealers who are members of the NRA.

ANNOUNCMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

PRESIDENT OBAMA'S PROPOSED 2012–2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

Mr. HASTINGS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

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 ''President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) OCS PLANNING AREA.—Any reference to an ''OCS Planning Area'' means such Outer Continental Shelf Planning Area as specified by the Department of the Interior as of January 1, 2012.

(2) PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).—The term ''Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017)'' means such plan as transmitted to the Speaker of the House and President of the Senate on June 28, 2012.

SEC. 3. REQUIREMENT TO IMPLEMENT PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).

The Secretary of the Interior shall implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), other applicable law, and the schedule established by such proposed program for conducting oil and gas lease sales in OCS Planning Areas in specified years as set forth in the following table:

Proposed Final Program for 2012–2017 Lease Sale Schedule Sale No.	Area	Year
229	Western Gulf of Mexico	2012
227	Central Gulf of Mexico	2013
233	Western Gulf of Mexico	2013
225	Eastern Gulf of Mexico	2014
231	Central Gulf of Mexico	2014
238	Western Gulf of Mexico	2014
235	Central Gulf of Mexico	2015
246	Western Gulf of Mexico	2015
226	Eastern Gulf of Mexico	2016
241	Central Gulf of Mexico	2016
237	Chukchi Sea	2016
248	Western Gulf of Mexico	2016
244	Cook Inlet	2016
247	Central Gulf of Mexico	2017
242	Beaufort Sea	2017

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

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

The bill we are now considering, H.R. 6168, is a very simple bill. It would implement President Obama's proposed offshore drilling lease plan for the years 2012 to 2017.

Late yesterday, the House debated H.R. 6082, the Congressional Replacement of President Obama's Energy Restricting and Job-Limiting Offshore Drilling Plan. These bills contain two distinctly different offshore drilling plans, and the House will have an opportunity to choose which one allows for more American energy production and more American job creation, and which one continues to lock up America's resources.

This debate is occurring during the 60-day mandatory review period provided for under section 18 of the Outer Continental Shelf Lands Act, which requires a President to submit his proposed plan to Congress for review. He must submit it to Congress before it can take effect. This 60-day clock started ticking on June 28 when President Obama's plan was submitted to the House and to the Senate.

Madam Speaker, I am the official sponsor of this bill to implement President Obama's plan. I introduced this bill with the specific purpose of allowing the people's House to officially go on record as either endorsing the President's plan or registering its opposition to it.

□ 1240

Now, while I'm the bill's sponsor, I am going to vote against this bill. I oppose the President's plan. It's a giant step backwards for American energy production and for job creation.

Madam Speaker, President Obama likes to give speeches claiming support for offshore drilling; however, I have observed his actions while in office are 180 degrees different than his rhetoric.

When President Obama was sworn into office in January 2009, nearly all of our offshore areas were newly open to American energy production. This was the result of the public outrage in the summer of 2008 over $4 gasoline prices that resulted in the Federal Government lifting the two moratoria that blocked energy production off both the Atlantic and the Pacific coasts. The will of the American people was clear: For the sake of family budgets, for small businesses, and for our economy, we must produce more American energy in America to lessen our dependence on hostile foreign sources.

So when President Obama took office, there was an offshore energy plan to conduct lease sales in new areas that were no longer under the moratoria. Instead of seizing this opportunity to vastly increase American energy production, the President tossed that plan aside and delayed and canceled these sales, including a sale scheduled for 2011 that would open a section offshore of the Commonwealth of Virginia.

The Obama administration has spent the last 3½ years slowly writing a plan that takes our country backwards, a plan that effectively reimposes the drilling moratoria that were lifted in 2008. The President's proposed plan keeps 85 percent of our offshore areas off-limits to energy production. The Atlantic coast, the Pacific coast, and parts of the Arctic are all kept under lock and key under his plan.

His plan absolutely opens no new areas for drilling. As an example, after delaying the Virginia lease sale in 2011, the President doesn't even include it in his proposed plan. Under President Obama, then, the absolute earliest that the Virginia lease sale could happen is 2017. That's 6 years after it was scheduled to take place.

In total, the President's proposed plan only includes 15 lease sales. According to the nonpartisan Congressional Research Service, this means that this President has the distinction of offering the lowest number of lease sales over a 5-year plan since this program began, since this legislation establishing the review. Madam Speaker, that's worse than even Jimmy Carter's record.

During the several hours of debate yesterday, there was little defense of the President's limited and weak offshore plan. In fact, a great deal of time was expended by the other side trying to change the subject, rather than endorse or defend the President's offshore plan. I think that shows just how out of touch and unacceptable this plan really is.

Today we will hear the deliberately misleading claim that the President's proposed plan opens 75 percent of the known offshore resources. That is simply not true, Madam Speaker. It was meant to provide political cover for a failed record on offshore drilling. The cold hard facts are the President is effectively reimposing a moratorium on 85 percent of our potential resources offshore of America's coasts.

An attempt might be made to claim that the bill doesn't represent the President's plan. Madam Speaker, it couldn't be more black-and-white. This bill exactly replicates the offshore lease sales scheduled in the President's proposed plan, both by location and by the sale year. H.R. 6168 is the President's plan.

Now, just last week, Secretary of the Interior Salazar wrote that President Obama's offshore plan is what the ''American people have asked for.'' In reality, the American people want increased American energy production and new and more American jobs. The President's proposed plan fails to deliver on both, American energy production and American jobs.

So by voting against this bill—which I will do, even though I am the sponsor of it—Members of Congress can stand up for the American people and reject the President's no-new-drilling, no-new-jobs plan.

We can and we must do better. And that is precisely why we had the debate, and we will have a vote later on today on H.R. 6082, the House plan.

So with that, Madam Speaker, I reserve the balance of my time.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

I would like to thank our ranking member, Mr. MARKEY of Massachusetts, for his forceful advocacy on this issue.

I rise today in strong support of H.R. 6168, legislation that would support the President's proposed Offshore Drilling Lease Sale Plan for 2012–2017. This plan, which has been developed over the past few years with extensive public input, is a responsible way to increase domestic production of oil and gas while still protecting our delicate and vital ocean environment.

Contrary to Republican claims that the plan would restrict domestic production and hurt jobs, the President's proposed plan would actually open 75 percent of offshore oil and gas resources to development. Where there are resources, the land is being opened—75 percent. In fact, domestic production of oil is at an 18-year high, and gas production is at an all-time high under President Obama.

At the same time that the President's plan includes new leasing, it also protects many of our most important ocean environments from drilling, such as Georges Bank and other vital fishing areas off the coast of my State, Massachusetts. Georges Bank is a valuable public resource that has been central to our region's rich cultural heritage, economy, and identity.

For years, these waters have been at the heart of the New England fishing industry and have historically been one of the country's most productive fishing grounds. Income from Massachusetts fisheries has been valued at approximately $350 million annually, and Georges Bank is a key part of this marine ecosystem. Allowing oil and gas drilling on Georges Bank would threaten to destroy these rich fishing grounds and could have a devastating effect on the Massachusetts economy.

But the benefits of the President's responsible plan go well beyond just protecting Massachusetts. This plan would also protect Bristol Bay in Alaska from drilling. Bristol Bay, as many know, is one of Alaska's most pristine fishing grounds and the source of much of the salmon that we consume here in the United States.

The decision to keep these areas offlimits was based on local recommendations and a lack of infrastructure and oil spill preparedness. If we open this fishing ground to oil drilling, the impact could be felt across our country.

The Republican plan would also require just one environmental review for every new lease offered in the Atlantic, Pacific, or Bristol Bay, without taking into account the uniqueness of each of these locations. While I certainly understand the desire to streamline these reviews, requiring one blanket review for the entire country is not the answer.

The harsh climate of Alaska is infinitely different than that of the Gulf of Mexico or the Gulf of Maine. It is important to know the conditions of each site before drilling is started or we could face another disaster like the 2010 BP Deepwater Horizon spill from which the Gulf Coast States are still recovering.

So I call upon my colleagues to support the President's responsible offshore leasing plan and vote in favor of H.R. 6168. Our support of the President's plan is support for the fishermen in Massachusetts and throughout the United States.

I reserve the balance of my time.

□ 1250

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the Natural Resources Committee and a subcommittee chairman.

Mr. LAMBORN. Madam Speaker, this bill we are considering under suspension simply codifies President Obama's offshore drilling plan for the next 5 years. It's a simple bill and a simple vote: What do you choose for America's future?

The Congressional Replacement Plan we debated yesterday will harness America's vast offshore resources in both existing and new areas in a responsible way. Our plan is the right plan to keep the United States competitive and to develop the resources that American families and American businesses need. It will generate more revenue for the taxpayers, more energy, and more jobs.

What does the Obama plan under this suspension vote have to offer? No new areas for energy development and the lowest number of lease sales in the history of the 5-year program, according to Congressional Research Service. Is that really the plan you think is best to move our Nation forward and generate high-paying jobs?

Look at this bar graph. This shows what was going on under President Jimmy Carter 30 years ago. This 5-year plan program has been going for more than 30 years, and the 15 lease sales you see at the end of the graph is the lowest in the history of the 5-year program. If you remember, during Jimmy Carter's administration, we had gasoline shortages. You could go to the gas station and buy gas if your license plate ended in an odd or even number, depending on the day of the week. We should not have the lowest number of lease sales in the history of our country.

The Obama 5-year plan is the you-cannot-build-it plan; you cannot build new infrastructure for energy. It tells the people of Virginia that they cannot build new rigs and explore new areas of the Outer Continental Shelf regardless of the bipartisan support of the Governor, Senators, and Representatives of Virginia. The President's plan says you cannot build anything new, essentially reinstating a moratorium on the Pacific and Atlantic Outer Continental Shelf. The President's plan locks up 85 percent of our Nation's nearly 2 billion acres of Outer Continental Shelf resources.

Production on Federal lands, according to the Energy Information Administration, is down under the Obama administration.

I heard something earlier about natural gas production is up. That's on private lands primarily because of fracking.

We need to get Federal lands producing again, and the Obama 5-year plan is not the plan to do that. The Congressional Replacement Plan is. We should vote for more American energy and vote for more American jobs. So vote against this suspension bill and vote in favor of the Congressional Replacement Plan.

Ms. TSONGAS. Madam Speaker, the number of lease sales don't translate into more drilling on these leases necessarily. Oil companies already hold leases in the Gulf of Mexico that are sitting idle that contain nearly 18 billion barrels of oil, according to the Interior Department. Oil companies should begin drilling on those leases before asking to threaten Massachusetts and other coastal States with new drilling.

Now I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, I thank my friend and colleague from Massachusetts.

Madam Speaker, I support President Obama's proposed offshore drilling lease plan. I will vote for it, but I suspect that it will garner little support, and that's the reason why it was scheduled for consideration today. But unlike the Republican majority in the House who favor drilling above all else, Interior Secretary Salazar and President Obama are acting more responsibly in a balanced fashion.

Their 5-year leasing plan attempts to balance the full range of public and private interests. Their 5-year leasing plan attempts to ensure that our coastal waters will continue to be a shared public resource. They were never meant to be the exclusive domain of the oil and gas industry.

Introducing drilling in new areas, as the gentleman from Washington State's bill would do, will disrupt established industries like commercial fishing and beach tourism. There is no question about that. And there is no need to rush forward and open our entire coast to drilling when 75 percent of our offshore oil and gas resources are already available for drilling. In fact, more oil is in production today under the Obama administration than at any time during the last 14 years. And more of the public's lands and waters have been leased for drilling today than at any previous time in American history.

Onshore, oil companies hold leases on more than 73 million acres of the public's land, though they choose to keep 45 million of those acres inactive.

Offshore, more than 37 million acres of the Outer Continental Shelf have been offered for lease, although the oil industry has bid on less than 10 percent of these new available leases. As of June 1 of this year, there were 1,980 rotary drilling rigs operating on U.S. lands and waters, more than all other countries combined.

Now, the President's plan does open up areas in the Beaufort and Chukchi Seas off Alaska's northern coast to oil and gas development. I do have strong misgivings that adequate safeguards have been established to respond to a future oil spill disaster in these seas because drilling will be done in a harsh environment in a remote area where disaster response capabilities are extremely limited and could be compromised by severe weather conditions, which in fact are the norm up there.

But I am in strong agreement that the 2012–2017 plan excludes lease sale 220 that covers waters in the Mid-Atlantic, especially off the coast of Virginia. In addition to commercial fishing interests and tourism, lease sale 220 threatens military readiness, our national security interests, and it intersects shipping lanes for the Atlantic's two busiest commercial ports—Hampton Roads and Baltimore. The U.S. Atlantic fleet is based at the Norfolk Naval Base and operates in these very same waters that the President wants to protect. He wisely proposes simply postponing oil and gas development primarily for that purpose.

According to a report issued by the Office of the Deputy Secretary of Defense for Readiness, there should be no lease sales in 72 percent of the proposed 220 lease area since it is in conflict with live ordnance, air surface missile/bomb and gunnery exercises, shipboard qualification trials, carrier qualifications, and follow-on testing and evaluation. An additional 5 percent would interfere with aerial operations and shouldn't host permanent surface structures.

In summary, 78 percent of proposed lease sale 220 that the President wisely postpones would be in areas that conflict with our national security needs; and a good deal of the remaining 22 percent would be within the shipping lanes to the ports of Hampton Roads and Baltimore.

Madam Speaker, our coastal waters are a shared resource that host a number of competing and sometimes incompatible uses. In the interest of the oil and gas industry, and to perpetuate a myth that somehow we can drill our way to lower gasoline prices and energy independence, the Republican majority is demonstrating a disregard for our other economic interests and the livelihood of millions of Americans employed in the fishing and tourism and national security sectors. Their livelihood is needlessly placed at risk in a drilling-above-all-else policy.

So I encourage my colleagues to support the President's balanced legislation and reject the other drilling bill that is on the floor today. The President is trying to do the right thing, and he should be supported. The other bill will have unintended, unforeseen, but inevitably adverse consequences to our economy.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Louisiana (Mr. LANDRY), a Representative of a coastal State and a very important member of the Natural Resources Committee.

Mr. LANDRY. Madam Speaker, the rhetoric here just does not meet the facts. Our energy policy in this country has continued to fail us because we have spent money in areas that are getting us no results. We know that to lower costs for all Americans, we must lower their energy bills. We know that the cheapest form of energy out there is oil and gas; and yet the President puts out a bare-bones policy, yet claims to want to create jobs.

The lowest unemployment rate in this country exists in North Dakota, and the reason that unemployment is so low there is because they understand that drilling equals jobs. Now, let's see what's going on up in the Dakotas, because if we would believe what the gentlemen and ladies across the aisle would lead us to believe, that the areas that we would like to open up do not contain any resources, then they would believe, as the USGS believed in 2002, that the Marcellus shale in the Pennsylvania area only contained about 2 trillion cubic feet of gas.

□ 1300

Well, today, through the hard work of Americans and private industry, we have realized that there are 84 trillion cubic feet of natural gas. In the Gulf of Mexico in the 1980s, there was an assessment that believed that only 6.25 billion barrels of oil was located in the gulf, but yet today, 15.5 billion barrels have been produced.

Now, the problem is that it takes a while for private industry to recognize where these resources are, to be able to find them, to explore for them and then to determine how much is in the ground. And so that takes time. So what the President does is he takes those properties, those Federal lands, those Federal properties, off the table. It doesn't allow those companies to go out and explore to determine whether or not we can actually be energy independent, which everyone here on both sides of the aisle continues to come up to these microphones and claim they want.

Well, we can do that. And all we're asking in our plan is that we allow these properties to be surveyed and looked at and be made available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. LANDRY. Make these properties available so that private industry can come in to determine the amount of reserves that can be extracted out of the ground and given to Americans to reduce their overall energy consumption.

So, Madam Speaker, I will tell you that what the President does is fails the American people when it comes to creating jobs and lowering the cost of energy not only at the gas pump, but in their electric bills, in the manufacturing centers around this country and in the steel mills. In every sector of this country that uses energy, the failure for us to tap into our resources and to review and get a solid assessment on the amount of resources available to the American people is being missed here.

So I certainly hope that Members would reject the President's plan and take up our plan, which is going to expand the amount of Federal properties available to explore for oil and gas and lower the cost and create jobs for all Americans.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

Mr. MARKEY. Thank you, Madam Speaker, and I yield myself such time as I may consume.

Madam Speaker, yesterday, the majority brought to the floor a bill that would replace the Interior Department's 5-year offshore drilling plan. Today, the majority is bringing a bill to the floor that would require the Interior Department to conduct the offshore drilling plan it is already doing.

Now why would we be taking up a bill to replace the plan yesterday and a bill to implement the plan today? Is it because the majority is having buyer's remorse about their own bill that would put drilling rigs off of the beaches of California, the beaches of Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia? Are they having remorse putting all those rigs out there off the beaches with no new safety procedures adopted post the BP spill? Overnight, have they had some regret, conscience stricken, perhaps that's not a good idea?

That would be a very hopeful sign, I think, for all of us who care about the environment, care about safety and care about protecting the beaches and the fishing industries of our country.

Or is it because they were so compelled by arguments that the Democrats made during the debate on the floor yesterday that they now intend to reverse their position and actually support President Obama's offshore drilling plan that makes 75 percent of all of our oil and gas resources available for drilling while protecting the east and west coasts?

I don't think so, because I am quite certain that the chairman of the committee intends to vote against his own bill here today and that the only reason the majority is bringing this bill up is to defeat it. It appears that the majority's dislike of President Obama is so great and so overwhelming that they are about to actually vote against more oil and gas drilling offshore even in an era where President Obama has already demonstrated his commitment to drilling. There are more rigs out drilling now in the United States than all the rest of the world combined. We're at an 18-year high in production of oil in the United States. You have to go all the way back to 1993 to find a day where there was more oil being produced on a daily basis than today. We have reduced our oil dependence—that is, how much we have to import from overseas—from 57 percent when George Bush was President just 4 years ago down to only 45 percent during the Obama administration.

Thank you, President Obama. Thank you for the fantastic job you're doing in reducing our dependency upon imported oil. That is something that did not happen during President Bush's years in office. And that's quite a record, isn't it, that we're at an 18-year high for oil development? We're at a point where we've reduced our dependence on imported oil from 57 percent down to 45 percent just in 3½ years since President Obama was sworn in. We have more rigs than the whole rest of the world combined drilling for oil here in the United States. That is quite a record, and we thank you, President Obama, for your excellent job.

But we know what the Republican majority is trying to do here today. They're trying to re-message here that somehow or other President Obama hasn't done a historically good job. The majority is about to make their own

history here—rewrite history. They are so bent on voting against President Obama that they are going to actually oppose policy they hold most dear—more drilling. We appear to have found the one thing that can stop the majority from voting for drilling over and over again. This would be like Red Sox fans rooting against the Red Sox just because they signed Derek Jeter. All of a sudden, they would want to not support them any longer. And the majority is putting this bill on the suspension calendar today even though we know they have no intention of supporting it.

So why are we here? Why are we wasting the time of this House when there are so many other pressing issues facing the Nation? We should be focusing on creating jobs for our constituents, on passing a farm bill that helps farmers who are being harmed by drought and taking action on a spending and tax plan to avert going off the fiscal cliff of sequestration. But are we doing any of those things? No, we are not.

The majority is not only asking us to suspend the rules to pass this bill, they are asking us to suspend reality. They are asking us to suspend the reality that President Obama has reduced our dependence on oil from 57 percent down to 45 percent, that we are at an 18-year high in oil production in our country, and that we have 50 percent more floating drilling rigs operating in the Gulf of Mexico than we did before the BP spill.

Let me say that again: There are 50 percent more floating drilling rigs operating in the Gulf of Mexico than before the BP spill, and we have more drilling going on than the whole rest of the world combined. The reality is that President Obama is about ''all of the above.'' That's his energy plan.

What the Republicans do is they just keep bringing out things that really make the oil industry happy but towards the goal of killing the wind industry and killing the solar industry, because they're doing nothing for those industries. And that agenda is, oh, so clear. It's transparently clear what this agenda is.

□ 1310

We actually support an ''aye'' vote on the President's plan and a ''no'' vote on the Republican plan. We should not be drilling off of the beaches of our country when 75 percent of all the oil and gas resources have been made available and the oil industry hasn't even begun in a significant way to capture all those opportunities.

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

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 1 additional minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, I just wanted to take a moment to discuss with my good friend from Massachusetts some of the statistics that he was laying out for the American people here on the floor.

The problem is that we are lacking the demand for energy right now because people are out of work. Because of high unemployment, people are not driving back and forth. That means they're not utilizing gasoline or energy. So, he's right; the amount of oil that we're having to import today has been reduced because people are out of work.

Now, what happens if—and this is a big ''if''—we can crank this economy back up and we can do what everyone here wants to do, and that is to create jobs? Well, the problem is that, if we start cranking this economy up and we don't have a solid energy policy in place, gasoline prices are going to rise and we're going to end up back in a recession.

So I would like the gentleman from Massachusetts to join me in saying, You know what? We're going to put the country on a sustainable path. We're going to ensure that when Americans get the jobs that we're going to help create here, we're going to make sure that the economy can continue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LANDRY. We're going to ensure that that economic expansion is going to last a long, long time.

So again, I would urge the gentleman to reject the President's plan. Join us. Give private industry an opportunity to see what is out there. Once and for all, remove the shackles that America has chained to OPEC and let us be truly energy independent.

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

All you have to know about the political nature of this bill—and the next bill that we're going to be voting on that allows for drilling off of the beaches of Massachusetts and southern California and Maine and Maryland, New Jersey, without new safety safeguards being put in place—is that they kind of pick a whole bunch of States that are on the Atlantic Ocean and the Pacific Ocean, but they leave out one State.

Now, why did they leave out that State? I wonder why they left out Florida. Why isn't Florida on the list? Why did they exclude that one State out of their systematic goal of increasing energy independence and compromising, if necessary, the beaches of all of these other States in the advancement of that goal to help Exxon Mobile and BP and Shell drill off of our coastline? Why don't they want to drill off of Miami Beach? Why don't they want to drill off of Jacksonville's beaches? Why don't they include Florida? Hmm. Ah, Gore v. Bush. Florida could decide the Presidential race. Ah. Oh, the Republican convention is in Florida this year? Oh. They don't want 1 million people coming to protest the drilling off of the beaches of Florida? Oh. That makes a lot of sense. That's a good justification for excluding Florida, but not Massachusetts, not Maine, not Maryland, not Virginia. But Florida, they're out.

So all you have to know about the blatant political nature of these bills is that they're intended to embarrass President Obama, just as he has proven he is a historically successful President in increasing oil production in America. He has reduced oil dependence on overseas sources from 57 percent down to 45 percent—something George Bush never did. In fact, it spiked to 57 percent under his watch over 8 years. That's a long time to get something done on that front—and he now has 50 percent more rigs in the Gulf of Mexico. So this is really all about politics: 131 votes out here to help the oil and gas industry, no votes out here to help the wind and solar industry.

And the story line continues, even up to the point where they exclude Florida. I mean, it's so nakedly obvious what is happening here in terms of the political nature of what the Republicans are doing on this subject. But please, for the sake of the country, can we get to an all-of-the-above strategy? Can we get to something that actually has you saying positively what you're going to do about the renewable energy that we have in our country that can make it possible for us to say to OPEC, totally, that we don't need your oil any more than we need your sand? Can we actually say that? Can we agree upon that, that it's a common goal and we can find a way of giving the incentives to the wind and solar industry in the same way you do, over and over again, want to give to the oil and gas industry?

Please, let's work together, as a common goal, as a country, to accomplish that goal. Let's not just favor oil and gas. Let's have an agenda that includes all of the above. Because today is just another repetition of the same syndrome that has an ancestor worship at the altar of oil and gas that plagued us in the 20th century but can be alleviated, if we put together a plan to exploit all of our domestic resources, in the 21st century. The agenda of the majority is sadly lacking in that area.

I urge an ''aye'' vote on this suspension vote.

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

First of all, I want to tell my good friend from Massachusetts that I was hoping he would thank me for introducing the bill because now he has an opportunity to vote for the President's plan. I already mentioned that I was going to vote against it. I was very forthright. But now the gentleman does have an opportunity to vote for the President's plan, so I wish that he had thanked me for that.

But I want to say this, Madam Speaker: We already know that Americans want to be less dependent on foreign energy. The Republican plan obviously does that. Americans also want to have parts of the economy start growing. Energy production is a way to jump-start our economy with good American jobs. So those are all givens.

But the rhetoric sometimes coming from the other side is: Why are some areas emphasized and some areas are not? Because we use a very, very novel approach to where we should sell leases and explore for oil, and that is, very simply, where we think the resources are, and then people will bid on that and take a chance and see if there are resources. If there are, they will drill, and the Federal Treasury and the American people benefit.

A good case of that, by the way, Madam Speaker, is in southern California, because reference has been made several times to southern California, and specifically to Santa Barbara, California, the Santa Barbara Channel.

Now, the State Lands Commission says that there are 1,200 natural occurring seeps in the Santa Barbara Channel, and it's estimated that coming out of these naturally occurring seeps in the Santa Barbara Channel is 55,000 barrels a year—each year. Experts have concluded that that amount of seep could be translated into enough fuel to fuel the energy for Santa Barbara County for 7½ years. Now, that is a lot of oil.

We believe the opportunity ought to be to go—again, with the novel approach—where the oil is. So that's why our approach says, okay, let's open up all these areas. Let's allow the private sector to ascertain if they want to pay somebody for a lease to develop those resources.

□ 1320

That is in essence what this debate is about.

And finally, let me conclude this way, Mr. Speaker. The fact is that the President's plan reinstates the moratorium that existed going up to 2008. The American people demanded that be lifted with $4 gasoline, but this essentially reinstates that.

I think that's the wrong policy. So we'll have an opportunity today to vote on two proposals: one that does increase American energy and creates American jobs, or one that maintains the status quo. In fact, it doesn't even do that. It goes back and reestablishes the moratorium and locks up 85 percent of our resources.

So I urge a ''no'' vote on this suspension bill, and a ''yes'' vote on the subsequent bill that we debated yesterday, H.R. 6082.

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

Mr. BLUMENAUER. Madam Speaker, I voted for H.R. 6168, President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act. I emphasize that this is a qualified support. The President's plan maintains important protections for the Pacific Coast, the Atlantic Coast, and Bristol Bay. It is far better than the Republican alternative, which would open most of the American coastline to drilling, and which would eliminate important environmental safeguards in the process.

Should Congress move forward with the President's proposal, it should do so with care, ensuring sufficient protection throughout the process. In particular, I am concerned about the potential permitting in Alaska. The President's proposal does require additional research and comprehensive analysis before approval of any project in Alaska, I underscore the need to have a full understanding of the impacts of drilling on the Alaskan ecosystems before moving forward. Appropriate safeguards must be in place and I look forward to working with the administration to ensure that we move forward with projects only after being confident that they do not pose a threat to the environment, ecosystems, or existing local economies in the area.

Our biggest priority should be reducing our dependence on fossil fuels, regardless of whether or not those fuels are obtained domestically or internationally. I will continue to work with my colleagues to support policies that support clean energy production and energy efficiency.

Mr. HOLT. Madam Speaker, today we are considering the so-called President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act (H.R. 6168).

This legislation, to require the Department of the Interior to conduct the very offshore drilling plan they are already set to implement, has been rushed to floor just so that the majority could vote against it in a political stunt. Even the sponsor of this bill will oppose it.

Although I have serious concerns with the DOI's plan to hold lease sales in the Arctic, where spill response capabilities are virtually nonexistent and the merits of opening this pristine environment to drilling remain unclear, the DOI's five-year plan stands in stark contrast to the House Republican plan for offshore oil and gas development.

The Republican plan amounts to yet another attempt to open up nearly every last piece of our public lands to drilling and hand even more giveaways to Big Oil. It is important to note that the President's plan does not provide for oil and gas lease sales off of the coast of New Jersey.

For these reasons, I will vote for H.R. 6168. But I want the RECORD to reflect that my vote for this bill is not an endorsement of expanded drilling in the Arctic or seismic exploration off of the coast of New Jersey. I strongly oppose drilling off of the coast of New Jersey and in the Mid-Atlantic and I offered an amendment to the bill we are considering to prevent any new drilling in that region.

Along with my Democratic colleagues on the Natural Resources Committee, I have offered bills to implement the safety recommendations of the National Commission on the Deepwater Horizon Oil Spill and to establish a fee on inactive leases as an incentive for oil companies to begin producing on the lands they already hold—of course, applying up-to-date environmental and safety lessons. I also introduced the Big Oil Bailout Prevention Act to make sure that oil companies pay the full cost of damages resulting from future oil spills.

We should be considering these important reform bill not political stunts designed to let the majority pat themselves on the back about what a good job they are doing to promote the development of the natural resources that belong to all Americans.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 6168.

The question was taken.

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

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

The yeas and nays were ordered.

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

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 6082.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6082.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly retake the Chair.

□ 1322

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, July 24, 2012, a request for a recorded vote on amendment No. 8 printed in part C of House Report 112–616 by the gentleman from Florida (Mr. HASTINGS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 112–616 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOLT of New Jersey.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

Amendment No. 6 by Mr. HOLT of New Jersey.

Amendment No. 7 by Mr. HASTINGS of Florida.

Amendment No. 8 by Mr. HASTINGS of Florida.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 vote was taken by electronic device, and there were—ayes 163, noes 253, not voting 15, as follows:

[Roll No. 504]

AYES—163

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
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 (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Honda
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
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
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
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
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—15

Costa
Engel
Garamendi
Graves (GA)
Hinojosa
Hirono
Hoyer
Jackson (IL)
Jackson Lee (TX)
McDermott
Meeks
Nadler
Richmond
Stivers
Woolsey

□ 1347

Messrs. WALDEN, ROSS of Florida, CARDOZA, and GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. DOGGETT and BASS of New Hampshire changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LOWEY. Mr. Speaker, during rollcall vote No. 504 on H.R. 6082, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.''

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 262, not voting 11, as follows:

[Roll No. 505]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hochul
Holt
Honda
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley

Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—262

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

NOT VOTING—11

Garamendi
Grijalva
Hinojosa
Hirono
Jackson (IL)
Jackson Lee (TX)
McDermott
Richmond
Rooney
Speier
Stivers

□ 1352

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROONEY. Madam Chair, on rollcall No. 505, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 10, as follows:

[Roll No. 506]

AYES—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Ros-Lehtinen
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
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—232

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
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
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
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
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—10

Garamendi
Hinojosa
Hirono
Jackson (IL)
Jackson Lee (TX)
McDermott
Richmond
Stivers
Tsongas
Waters

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McDERMOTT. Mr. Chairman, on rollcall Nos. 504, 505, 506, I missed these rollcalls because I was giving Awards at the HIV AID convention to the Red Ribbon Awardees for UN AID.

Had I been present, I would have voted "yes" on all 3.

AMENDMENT NO. 6 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 177, noes 247, not voting 7, as follows:

[Roll No. 507]

AYES—177

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
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
Dent
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—247

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
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)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—7

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers
Velázquez

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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 158, noes 266, not voting 7, as follows:

[Roll No. 508]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—266

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
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)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
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—7

Akin
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1403

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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 150, noes 275, not voting 6, as follows:

[Roll No. 509]

AYES—150

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—275

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
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)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
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
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Hochul
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)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
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 (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
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—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MILLER of Michigan) having assumed the chair, Mrs. EMERSON, 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. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, and, pursuant to House Resolution 738, she reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1410

MOTION TO RECOMMIT

Ms. SLAUGHTER. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 6082 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

SEC. ___. PROHIBITION ON ISSUANCE OF LEASES WITH RESPECT TO IRAN AND SYRIA.

No lease may be issued under this Act to any person (including any successor, assign, affiliate, member, or joint venturer with an ownership interest in any property or project any portion of which is owned by such person) that is in violation of—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.); or

(2) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, I rise to introduce a final amendment to today's bill.

The amendment is simple in its wording but powerful in its purpose. My amendment simply states that no company that violates the Iran Sanctions Act or the Syria Accountability Act will be allowed to profit from the oil leases in today's bill. The amendment will help to ensure that no company that helps to prop up these oppressive and destabilizing regimes can benefit from today's legislation.

Currently, the United States Government is imposing sanctions on 13 companies who maintain essential business dealings with Iran. In addition, the threat of sanctions is hanging over other companies that continue to do business there. In total, more than 16 oil companies remain ''active'' in Iran. These companies are defying the international community and helping to empower an Iranian regime that exports terrorism around the world, seeks nuclear weapons capability, and threatens the security of the entire Middle East—especially our ally and friend, Israel.

With the threat from Iran continuing to grow, it is vital that Congress respond with prudent and effective action. My amendment will help to isolate Iran, promote stability in the Middle East, and protect Israel.

With regard to Syria, existing sanctions are already helping increase the pressure on the murderous regime of President Assad. Thanks to the sanctions, Syrian oil production had dropped by 60,000 barrels per day by 2011 as companies cut ties with the government and exited the country. Despite this pressure, more action is needed, and my amendment will be a responsible next step to ensure that nothing in this bill will empower President Assad's continued war against the Syrian people.

Madam Speaker, for the last 2 years, we have put the needs of special interests, especially Big Oil, before the needs of our country, our people, and our allies. Over the last 2 years, the majority has voted more than 140 times to benefit Big Oil, and today should not be another one. Instead of passing the bill to create jobs, we've proposed yet another bill to serve Big Oil interests.

If we're going to move forward with such a giveaway, it is vital that they ensure that no profit derived from today's legislation goes to prop up nations who would harm our national security interests or those of our ally, Israel. It is up to this Congress on both sides of this aisle: Will we sacrifice the interests of Israel and the Syrian people by passing legislation that could benefit two of the most oppressive and destabilizing regimes in the world, or are we going to stand with our friend and ally, Israel, and protect the people of Syria?

With both the Iranian and Syrian regimes threatening our allies and thousands of innocent people in the Middle East, I believe it's high time the United States Congress moves to further protect Israel and the people of Syria.

Once again, if my amendment is adopted, the House will proceed to final passage of the bill. I urge all of my colleagues to support this important amendment today—and it is an important amendment—and put our national interests before the wishes of Big Oil.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Madam Speaker, this is not a foreign policy bill. This is a bill about American jobs and American energy. And these subjects that are brought up in this motion to recommit are covered in other areas, as they should be. For example, the Iranian issue is covered in standalone bills, as it properly should be. But this continues to be an attempt of the other side to change the subject away from American energy and American jobs.

The President is talking about American energy, and I have said on a number of occasions that the President likes to give speeches, but virtually every time when he does on offshore energy, his actions are 180 degrees from his rhetoric. So this bill that we have under consideration today, H.R. 6082, challenges the President to live up to his rhetoric.

In his speeches, the President says, ''Yes, we can,'' ''hope and change,'' ''move forward,'' ''believe in America.'' Well, to those who say that the House and the Senate should not act on a 60-day review of the President's plan, I say, ''Yes, we can.''

□ 1420

Let's just not hope for better, let's move the country forward. Let's change President Obama's plan to a real pro-energy, pro-jobs offshore plan that truly believes in America. Oppose this motion to recommit, vote for the bill, and vote against the suspension.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6082, if ordered; and suspension of the rules and passage of H.R. 6168 and H.R. 459.

The vote was taken by electronic device, and there were—yeas 179, nays 240, not voting 12, as follows:

[Roll No. 510]

YEAS—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crowley
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross (AR)
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
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
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
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
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

Conyers
Costello
Critz
Cummings
Dingell
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
McCarthy (NY)
Richmond
Stivers

□ 1436

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. MARKEY. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 170, not voting 8, as follows:

[Roll No. 511]

AYES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
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)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
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
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
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
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—170

Ackerman
Andrews
Baldwin
Barber
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell

Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Buerkle
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Sessions
Stivers

□ 1442

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENT OBAMA'S PROPOSED 2012–2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 164, nays 261, not voting 6, as follows:

[Roll No. 512]

YEAS—164

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
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
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
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
Fattah
Filner
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
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
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
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
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 (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
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—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1450

Messrs. HURT, BURTON of Indiana, and BARTLETT changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

FEDERAL RESERVE TRANSPARENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 98, not voting 6, as follows:

[Roll No. 513]

YEAS—327

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan

Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Filner
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, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Hochul
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—98

Ackerman
Andrews
Bass (CA)
Becerra
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chu
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Edwards
Ellison
Engel
Eshoo
Fattah
Frank (MA)
Fudge
Gonzalez
Gutierrez
Hanabusa
Hastings (FL)
Himes
Hinchey
Holt
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McCollum
McDermott
Meeks
Miller (NC)
Miller, George
Moore
Napolitano
Neal
Olver
Pallone
Pelosi
Peters
Price (NC)
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Serrano
Sewell
Shuler
Sires
Slaughter
Stark
Thompson (MS)
Towns
Turner (NY)
Van Hollen
Velázquez
Wasserman Schultz
Watt
Waxman
Wilson (FL)
Woolsey

NOT VOTING—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1458

Ms. CLARKE of New York changed her vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated against:

Ms. WATERS. Mr. Speaker, during the vote for H.R. 459, the Federal Reserve Transparency Act, I voted ''yes'' for this legislation. This was not my intent. I intended to vote ''no.'' I strongly believe that the Federal Reserve should remain an independent central bank that is free from political influence; therefore, I would like the record to reflect that my vote in favor of this legislation was in error, and that I would have voted against it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WOODALL) laid before the House the following communication from the Clerk of the House of Representatives:

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

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

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 25, 2012 at 11:33 a.m.:

That the Senate passed S. 2090.

Appointments:

State and Local Law Enforcement Congressional Badge of Bravery Board.

Federal Law Enforcement Congressional Badge of Bravery Board.

Public Safety Officer Medal of Valor Review Board.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4078.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 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. 4078.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1500

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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. MILLER of Michigan 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.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Texas (Mr. SMITH), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. ISSA), and the gentleman from Virginia (Mr. CONNOLLY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Madam Chair, I yield myself 2 minutes.

Job creation is, rightfully, at the top of Americans' agenda. Americans know that as long as the unemployment rate stays high, wages are stagnant and more than 12.7 million Americans seek jobs they cannot find. More than 42 percent, or nearly 6 million, of those Americans have been unemployed for more than 6 months.

Madam Chair, the verdict is in: the President's stimulus plan has failed. While costing over $1 trillion and still counting, those jobs that were created were short, and they too are disappearing. Ultimately, small business will create the engine going forward.

Today's bill, in fact, is designed specifically to give confidence to America's business creators, ones that we have heard from on the committee for more than 18 months, the opportunity to take a breath, evaluate what is the lay of the land, and go forward with the business plan, no longer worrying that out of the blue will come major regulatory changes, ones that were unforeseen just a little while ago, that ultimately change their plans, change their ability to make a profit.

Whether it's the President's ACA or ObamaCare or smaller $100 million, $200 million, $1 billion new regulations, this uncertainty has put dollars on the sidelines. Today, through more than seven different elements of the titles of the bill, our effort will be to ensure that we do not propose without serious consideration new regulations.

The President himself, while producing more than 106 major rules costing more than $46 billion, has said, We may be overregulated. His own chief spokesperson, Mr. Sunstein, has said that, in fact, regulations can cost jobs.

So, Madam Chairwoman, it is extremely important that we understand that we must have regulatory certainty, something we will only have by the passage of today's bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield myself such time as I may consume.

Whether serving as a staff member on the Senate Foreign Relations Committee years ago or as chairman of the Board of Supervisors in Fairfax County or now, as a Member of Congress, a constant principle of my own public service career has been a deep suspicion of political legislation that employs arbitrary across-the-board mechanisms that make for good talking points but terrible policy. Such messaging bills make a mockery of the legislative process, and, unfortunately, H.R. 4078 is just such a bill.

To understand the absurdity of this bill, consider the proposal to ban any new regulations based on the Nation's unemployment rate. Actually with the typo in the bill, it's the ''employment'' rate. But for starters, there is little or no evidence correlating regulation to private sector hiring. However, there is considerable evidence showing that blocking important health and safety regulations will have a negative effect on all seniors, children, veterans, consumers—not to mention the private sector itself.

As written, the legislation prohibits any new regulatory actions until the ''employment'' rate falls to 6 percent, meaning unemployment would have to reach 94 percent before agencies could issue new regulations. The effect of that language, coming from a crowd that was just a few years ago talking about ''read the bill,'' means we would never update Medicare payment rates for doctors, bank lending protections for families, or food safety protections for consumers. No doubt, our Republican colleagues intended for this moratorium to apply until ''unemployment'' falls to 6 percent, which would still block regulation for the foreseeable future.

What is absurd about their premise is that the Department of Labor, for example, would be able to update the exposure safety standards to adequately protect the health of workers exposed to beryllium, a toxic substance linked to lung cancer and other chronic and fatal diseases, based on a 0.1 percent swing in the unemployment rate.

The same would be true for implementation of the Veterans' Benefits Act, bipartisan legislation that passed in the last Congress with no opposition. Under this bill, when the unemployment rate is 6 percent, the Department of Veterans Affairs would be able to take ''significant regulatory action,'' meaning implementation of the enhanced disability compensation benefits provisions for veterans experiencing difficulty using prostheses, for example, after the loss of limbs, or veterans in need of extensive care because of post-traumatic stress syndrome. However, if the unemployment rate is 0.1 percent higher, just 6.1 percent instead of 6 percent, H.R. 4078—the bill we're debating right now—would prohibit the Veterans Administration from improving care for those veterans.

Think about that: in voting for this bill, Members are endorsing a world view that a 0.1 percent swing in unemployment ought to determine whether the Federal Government can issue rules that benefit veterans with catastrophic injuries, updating Medicare payments for doctors, assisting students with loan debt, or providing families peace of mind that the peanut butter in their pantry will not poison their children. Any law that results in such absurd outcomes is deeply flawed and misguided far beyond the typo. In fact, the bill, as written, would even prevent those rules that would save money from being implemented.

Whether one advocates for smart regulation or passionately hates all regulations, surely we can all agree that the bizarre, capricious, and unjust outcomes that H.R. 4078—this bill—would lead to are the hallmarks of careless policy based on ideology, not on good public policy, not on good governance. Indeed, as former Republican Congressman Sherwood Boehlert of New York stated in a recent op-ed piece in The New York Times, I believe, on H.R. 4078, he said, it is ''difficult to exaggerate the sweep and destructiveness of the House bill.'' That was from a Republican former colleague in this body.

I would remind my Republican colleagues that one of the first executive orders issued by President Obama requires agencies to ensure that their regulations are, indeed, cost-effective. Of course that doesn't fit their narrative. Neither does it fit the fact that the Obama administration has actually issued fewer final rule regulations than the Bush administration did in its first term.

I urge my colleagues to join me in restoring sanity to the policymaking process in this House by opposing this extreme measure.

I reserve the balance of my time.

Mr. ISSA. Madam Chair, I trust the gentleman from Virginia is well aware that the typographical error in the bill under consideration was, in fact, a mistake done by professional staff. And although unanimous consents are not permitted in the Committee of the Whole, I would ask the gentleman from Virginia if he would be willing—or let me rephrase that—if he would not object to a unanimous consent in the House to make a correction in what was clearly a typographical error made by nonpartisan professional staff at the Leg Counsel's office.

Mr. CONNOLLY of Virginia. Is the gentleman yielding to me for an answer?

Mr. ISSA. Yes, I am.

Mr. CONNOLLY of Virginia. Madam Chairman, this Member will reserve the right to object at the appropriate time.

Mr. ISSA. Reclaiming my time, nothing could be more insincere than to pick on professional staff on a typographical error.

If we have to go to the Rules Committee, I guess we will. But I am really sorry to see that kind of an attitude on what the gentleman and all of us know was simply a typographical error.

□ 1510

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. CONNOLLY of Virginia. Madam Chairman, matter of personal privilege.

Did this Member hear the chairman, the distinguished chairman of the Oversight and Government Reform Committee, characterize a Member as insincere?

The CHAIR. The Chair cannot interpret as a matter of personal privilege remarks that were made in debate.

Mr. CONNOLLY of Virginia. I'm not asking for interpretation, Madam Chairman. I'm asking whether he in fact said it.

The CHAIR. That is a matter for debate between Members.

Mr. CONNOLLY of Virginia. I would ask the Chair to caution all Members about personal characterizations of Members on the floor of the House.

The CHAIR. The gentleman from California is recognized.

Mr. ISSA. I thank the Chair. I meant nothing other than I was shocked that the gentleman would say that he would reserve time on what was clearly a typographical error.

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. Madam Chair, I rise today in support of this legislation which includes the Midnight Rule Relief Act that I authored earlier this year.

I would like to take just a moment as a former small business owner to talk a little bit about the impact of regulations because we will hear from our colleagues on the other side that there is no evidence that regulations affect hiring, it doesn't affect start-ups, that if we do these things that the whole environment is going to go down the hill, the whole country is going to end here because of the fact that the Federal Government can't control every minutia of our lives.

Now I would say this, Madam Chair, that I believe rather than a big government, I believe in a big, free individual. I think a little bit, as I tell my story today about my father who started our roofing company in 1958, there were fewer rules of the road then. There were rules of the road, for sure. There were certainly rules put in place. Since that time, there have been thousands and thousands and thousands. There has been a lot of discussion in this Chamber about the gap between the rich and the poor and how the middle class is getting squeezed. I just wonder if we ever think that the middle class is getting squeezed, but they're getting squeezed by their government. They're not getting squeezed by rich people; they're not getting squeezed out of it by opportunity. They're getting squeezed out of it by a government that no longer lets them pursue the American Dream. Sometimes I feel that the other side wants them to pursue their dream, that our government wants to dictate what the dream ought to be for American citizens.

My father had his own dream. He was a milkman in the 1950s after he came home from World War II as a U.S. marine. He had six sons and later adopted two girls. I'm the youngest of eight. There were many, many times in my life, when my father, as he tried to not just make a better dream for himself, not just to live out his hopes and dreams and aspirations, but to build a better future for me and my family, for my children and for my grandchildren as he started our family business. I wonder if today he could even do it. He had no money. He was delivering milk at the time, one of the lowest paid jobs out there at the time in 1956.

He put an ad in the paper and tried to find work, and he decided that he would go into the roofing business. And through pure grit and determination and hard work, he started his own company. He was able to do that because all of the barriers that had been put in place by this overreaching government weren't there. He had a customer of ours—his, actually, because I was just a child—tell him he ought to name the company Security Roofing because they felt secure in his hands. That customer was well aware of the fact that my father was providing a service for them that they were willing to transact money for. And it was a fair transaction of goods. And if my father had cheated them, his reputation would have went down, and he wouldn't have been able to sustain himself. He built his company on fairness. He built his company on honesty and integrity, and the government wasn't in the way.

And now today, imagine some unemployed worker thinking about starting his own landscaping business, his own roofing company, a young college graduate, a young woman who wants to be a beautician and start her own beauty shop. We have this complex maze of rules and regulations and licensures and all these things that we think have made life better, but have taken freedom and have crossed the American Dream.

That's what this bill is about. It's about for a moment in time, it's about incentivizing this government to remove the barriers and obstacles, to get them out of the way and say to the American people, there will be no more for a period of time until unemployment reaches this level, 6 percent. We're not taking away rules. We're just saying you can rely that there won't be new ones for a time.

Also, this bill will stop the President of the United States, both Republicans and Democrats, from doing a lame duck session, whether they have been fired or extended in their careers, to not promulgate a bunch of rules and regulations during a lame duck session. We've seen a massive increase of rules and regulations during that period of time—17 percent in the 3 months following an election where parties change hands.

The number of major rules issued during Bill Clinton's midnight period totaled 3½ times more than the average number issued during the same calendar period in the other years in President Clinton's second term. President Bush wasn't much better. His was 2½ times more.

So to solve this problem, this bill would simply say to the President of the United States, for 90 days you can't do it. I support this bill, Madam Chairman.

Mr. CONNOLLY of Virginia. Madam Chairman, I wish my friend's characterization of the bill were accurate; but, sadly, I think what this bill does is cripple the ability of the government to protect the American public across a broad swath of policy areas that certainly matter to the average American.

I am now pleased to yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership.

Madam Chair, this is a terrible bill. This shortsighted legislation affects every corner of our government and keeps Federal agencies from issuing rules critical to our economy and health and safety of Americans. It sets a ridiculous arbitrary benchmark of a 6 percent unemployment rate before an agency can issue rules.

For example, I think it goes in the opposite direction of making the Securities and Exchange Commission more efficient and more effective for the American people. The bill could place extremely high procedural barriers in the agency's way as it seeks to enact all of the rules as directed in financial reform with a limited budget.

With this bill, my colleagues across the aisle seem to somehow believe that the final years of the prior administration were just a rousing success, that the near collapse of our financial system never happened, that the outrageous abuses that we saw in the mortgage lending industry never occurred, and that the abuses in consumer lending that the Federal Reserve labeled as unfair and deceptive were just business as usual. But we know that those things actually happened and that they crippled our economy.

It was in response to events of 2008 that we gave agencies like the SEC tools that they had been lacking to monitor the financial system and to protect our overall economy. And now, right in the middle of implementation of these critical reforms, my friends on the other side of the aisle want to forget that all of this happened and want to put barriers in front of implementing the reforms.

I believe that the language in this bill would basically cripple the SEC. Even as SEC budgets are being slashed, their bill requires the Commission to expend more in the way of resources on economic analysis and places additional procedural barriers in the Agency's way.

I urge a ''no'' vote on this bill. I urge everyone to vote ''no.'' It is a death knell of commonsense reform. It would stop reform.

□ 1520

Mr. ISSA. It is amazing that we are hearing that the world will come to an end if we slow down new regulations.

With that, I yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Chairman, I want to thank the gentleman from California for yielding time.

I rise today in support of the regulatory reform package before us today and in particular title IV of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which embodies my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act.

My bill represents the first comprehensive reform modernizing the bipartisan Unfunded Mandates Reform Act since its inception in 1995. This bill is supported by State government advocates, including the National Council of State Legislatures, which, in a letter to Subcommittee Chairman Lankford, stated that:

> UMRA has enduring shortcomings that your amendment corrects. In particular, expanding the scope of reporting requirements to include new conditions of grant aid is essential. NCSL's members repeatedly point to this exclusion in the underlying statute as one of the law's major flaws.

This bill responds to those concerns by allowing a committee chairman or

ranking member to request that the Congressional Budget Office perform an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on any respective participating State, local or tribal government.

The purpose of this provision is to highlight costs the Federal Government is passing along to State and local governments that would otherwise remain hidden but are borne by taxpayers regardless of which governmental entity is taxing them. This provision represents just one of the many reasons I urge my colleagues to support this legislation.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield 2 minutes to the gentleman from Missouri, my friend, Mr. CLAY.

Mr. CLAY. Madam Chair, I thank the gentleman for yielding.

The majority's plan to stop national safeguards will harm real Americans. Regulations affect real people, not just balance sheets. When we look at the cost of regulations, we have to examine more than cold dollar amounts. We also have to look at the benefits. We have to look at the real lives saved and at the real catastrophic injuries prevented. We have to look at the real American families who live healthier, happier, and safer lives because of Federal regulations, regulations that protect them in their homes, regulations that protect them at their jobs, and regulations that protect them in their communities, places of worship, the roads they drive on, the stores where they shop, the schools where their children learn, and the parks where they play.

The majority's plan will have real negative consequences on the economy and on the health and safety of all Americans, especially those among us who need the most help. The majority's plan would prevent HUD from updating their housing subsidy rates, and more families would be without a place to live. Worker safety will be jeopardized because the majority's plan would block workplace regulations. Children will be put at greater risk because the majority's plan would prevent the Federal Government from protecting them.

Madam Chair, we need to work together to create jobs and protect American families, and we don't have to choose between the two.

Mr. ISSA. I trust the gentleman from Missouri is aware that last year, out of over 3,000 regulations coming out of the administration, no more than 66 would have even qualified for this moratorium.

With that, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, I rise today in strong support for H.R. 4078, the Regulatory Freeze for Jobs Act.

I applaud the work of my colleagues to combat the growing stranglehold that needless government regulation is having on job creation and on economic growth. Today's bill will put an end to the ''regulate first'' attitude that pervades the Obama administration.

Contrary to popular belief, this legislation does not prohibit regulators from moving forward with new regulations, but it does require a Presidential or congressional waiver to do so. This simple, prudent check on the power of bureaucrats will ensure that regulations must be justified before they are enacted and that less burdensome alternatives are considered first.

Beyond just slowing the pace of regulations, H.R. 4078 also contains language that will substantially reform the way two of our independent agencies develop rules for financial institutions. I am pleased that the Red Tape Reduction and Regulatory Reform Act would finally require the Commodity Futures Trading Commission to perform a comprehensive cost-benefit analysis for each rule that they propose.

One of the most important steps in any regulatory process must be an effort to accurately quantify the costs and the benefits of a proposed action. This is the foundation of good rulemaking. Despite this, the CFTC has consistently stated that their obligation under the law is to only ''consider'' the cost and benefits of proposals. I believe that we can do better, and they must do better. Today's legislation is simple and straightforward. It would extend the same requirements for cost-benefit analysis to the CFTC that the President has already asked every other executive branch agency to fall under.

During the Dodd-Frank rulemaking process, the CFTC has rarely tried to estimate the cost of compliance. At times, ''consideration'' included vague statements like ''the costs could be significant.'' At other times, costs were dramatically underestimated. In one particular instance, industry groups calculated that the cost of compliance with a proposed rule was 63 times greater than the CFTC's guess.

Accurately assessing compliance costs is one-half of the equation. The other half, of equal importance, is capturing the benefits of a new rule. Regulators must quantify what good the rule does. It is not simply good enough to regulate because the authority exists. There must also be tangible benefits for market participants that outweigh the costs of the imposed rules.

Requiring cost-benefit analysis is a bipartisan step toward better governance. Exact language now contained in H.R. 4078 passed out of the Agriculture Committee unanimously in January. Last year, President Obama was right to demand that the executive agencies be held to a higher standard of analysis. Today, there's no reason why we should not require the same from the CFTC.

H.R. 4078 will strengthen the rulemaking process at CFTC and it will result in better rules and a safer marketplace. This small mandate on the economists and lawyers at the CFTC will ensure that the burdens placed on large businesses and small are justified in the real world, not just in the pages of the Federal Register.

It's also important to note that the bill is prospective—it will not hinder or delay the current proposed rules already making their way through the process. As well, title VII of H.R. 4078 is consistent and complementary to previously House-passed cost-benefit analysis.

I urge my colleagues to support passage of H.R. 4078.

Mr. CUMMINGS. Madam Chair, may I inquire how much time remains on each side?

The CHAIR. The gentleman from Maryland has 22 minutes remaining. The gentleman from California has 17 minutes remaining.

Mr. CUMMINGS. Madam Chair, I yield myself such time as I may consume.

I rise in strong opposition to this dangerous and extreme piece of legislation. This bill would prevent federal agencies from issuing regulations that protect the health and safety of all Americans. Do not be fooled. This bill will not create jobs, and this bill will not make the government better. This bill is intended to stop the Federal Government from issuing regulations until the unemployment rate reaches 6 percent or less.

The standard is indeed arbitrary, and it absolutely makes no sense. But the bill itself is so poorly drafted that, in fact, the moratorium would be in effect until unemployment actually reaches 94 percent. The bill accidentally refers to the ''employment'' rate instead of the ''unemployment'' rate.

Even if this bill were drafted properly, it would be extremely misguided. For example, the Food and Drug Administration would be prevented from issuing a rule ensuring that infant formula is safe for babies to drink. Why should the safety of baby formula depend on the national unemployment rate? Of course, it should not. But the FDA would be banned from issuing a rule it now is considering to protect babies like 10-day-old Avery Cornett, who died last year after he drank infant formula contaminated with a dangerous bacteria.

I offered an amendment to this bill that would have allowed agencies to protect the health and safety of children, but the House Republicans refused to allow it.

□ 1530

Under this bill, the Department of Health and Human Services would be blocked from issuing routine updates to payment rates for doctors who treat seniors under the Medicare program. This would result in hospitals having to lay off workers—not creating jobs.

I offered an amendment that would have allowed the Department to protect the health and safety of seniors.

The House Republicans refused to allow that one, too.

Under this bill, the Department of Defense and the Department of Veterans Affairs would be blocked from issuing regulations to protect the health and safety of our troops serving overseas and our Nation's veterans. For example, the VA could be blocked from issuing a rule it is now considering to help veterans suffering from traumatic brain injuries. And we have seen so much pain with regard to our veterans.

When we considered this bill during the Oversight Committee's markup, Congressman YARMUTH offered an amendment to allow the VA to protect the health and safety of veterans. This amendment was adopted on a bipartisan vote. Even our chairman, Mr. ISSA, supported it in committee, yet mysteriously it was stripped from the bill before it came to the floor. Representative YARMUTH tried to offer that same amendment at the Rules Committee, but the House Republicans refused to allow it.

The House Republicans have refused to allow debate on amendments to protect children, to protect seniors, and to protect our Nation's servicemembers and veterans. They even removed the language that was adopted on a bipartisan basis.

This bill is based on a false premise. The proponents argue that regulations kill jobs. This myth has been widely discredited by economists on both sides of the aisle.

Congress should be taking a balanced approach to reviewing regulations, just as President Obama has done. The President has focused on helping small businesses by identifying regulations that are inefficient and unnecessarily burdensome. The bill takes the opposite approach by freezing all significant regulations regardless of how critical they are to the health and safety of our people.

Former Congressman Sherwood Boehlert, a Republican, wrote an op-ed last week, titled, ''GOP Right Wing Is Serious About Disabling Government.'' Congressman Boehlert cut right to the heart of the bill. Keep in mind, this is one of our Republican colleagues, former colleagues. Here's what he wrote:

> If one wants to fully appreciate the stranglehold the right wing has on the Republican congressional agenda and its intended dangers, one need look no further than the bill the House plans to consider next week—talking about this bill—which would shut down the entire regulatory system.

I wish that that description was hyperbole, but sadly it is not. Indeed, it would be difficult to exaggerate the sweeping destructiveness of this House bill.

I agree with Congressman Boehlert; this is an extremely irresponsible bill. I urge all our Members to vote against it, and I reserve the balance of my time.

Mr. ISSA. There you go again. We're shutting down the entire regulatory system because 66 out of 3,000 regulations would be affected by this bill before us today. In just last year, 66 out of 3,000, that's shutting it down.

With that, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL. Madam Speaker, I, of course, rise in support of H.R. 4078, the Regulatory Freeze for Job Acts of 2012, which seeks to eliminate needless red tape and puts Americans back to work. I also thank and am proud of DARRELL ISSA and LAMAR SMITH for the handling of this bill.

The Committee on Science, Space, and Technology has explored regulatory hurdles being put up by a number of agencies, and we've seen a massive expansion of red tape under this administration. Much of it has come from the Environmental Protection Agency, where too many of the environmental regulations put forward have been based on secret science, hidden data, and predetermined outcomes—and some just outright phony.

EPA appears to be hostile toward economic growth and job creation. For example, EPA's Cross-State Air Pollution Rule added Texas in at the last minute and threatened hundreds of jobs in my district and electric reliability across my State.

One amendment to be offered to H.R. 4078, while well-intentioned, may have the unintended effect of driving agencies to make policy decisions without considering scientific information.

While science almost never provides one specific answer to a policy decision, sound science should be used to inform the ultimate decision-maker. Science can tell you how the world is, not how the world should be.

Eliminating other considerations, whether they be moral or ethical, leaves some scientists and unelected bureaucrats in charge.

At a time, Madam Speaker, when many American families are struggling, H.R. 4078 eliminates red tape, reduces costs, and improves the environment for small businesses and job creators by getting Washington out of the way.

Mr. CUMMINGS. Madam Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. I thank him for his great work on this bill.

Despite the best efforts of Republicans in Congress, our Nation has actually made significant progress over the last several years protecting the health and the well-being of Americans.

Democrats have passed legislation ensuring that Wall Street plays by the rules. They can't continue to turn it into a casino where the rich clean up on the way up and the poor get cleaned out on the way down.

Democrats modernized food safety laws so that Americans can feel secure in the knowledge that the food we put on the dinner table won't make our families sick.

Democrats passed legislation to protect the privacy of Americans' sensitive health information.

But all of these laws are still in the process of being implemented. That's what's bothering the Republicans here today and all of their supporters across the country. They cannot go fully into effect to work for the American people until those regulations are finalized. Republicans are determined to keep these vital health, safety, and consumer protections from reaching the finish line to offer protection for ordinary families.

GOP used to stand for ''Grand Old Party.'' Now GOP stands for ''Gut Our Protections.''

I released a report today, called, ''Protection Rejection: GOP Abandons Consumer, Health, and Safety Measures''—across the board. It describes the safeguards that would be jeopardized under this misguided legislation.

If you're a wounded veteran needing home care, it will be harder for your family to take time off work to care for you. Family members were going—finally—to be able to take up to 26 weeks of job-protected leave to care for a wounded veteran back from Iraq and Afghanistan, but the implementation of this new law will be stopped cold by this coldhearted Republican bill.

The bill prevents new fuel economy standards, increasing our dangerous dependence on foreign oil, forcing families to pay more at the pump, rather than a law that backs out 4.3 million barrels of oil a day from OPEC, telling them that we don't need their oil any more than we need their sand. They're saying stop those regulations from going into effect.

And as we approach the 2-year anniversary of the worst environmental disaster in the history of our country, the BP oil spill, this misguided Republican bill would stop new safety standards for the blowout preventers on drilling rigs that could prevent future spills. This makes no sense. The safety of the American people should be put above the special interests that want to stop all of these regulations.

The Republicans say this is about cutting red tape, but it's really nothing more than a red herring, a desperate attempt to distract from the GOP's abject failure to spur job creation in this country. There are so many red herrings out here we might as well put an aquarium here to deal with all of them that the Republican Party is throwing out here on this bill.

We must not allow this Republican regulatory freeze bill to set consumer protections back to the ice age. There's simply too much progress at stake.

The SPEAKER pro tempore. The time of the gentleman has expired.

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

Mr. MARKEY. Hundreds of regulations are going to be taken off the books right now. And over the life of this bill, thousands of regulations that would have protected the health, the

safety, the consumer interests across our country will be wiped off the books.

□ 1540

This is a wholesale destruction of the protections that ordinary people need against wealthy corporations taking advantage of them in their homes, in their neighborhoods. And so, ladies and gentlemen, there has not been a more important bill that comes out this year of this Congress onto the House floor.

All of you have access to this report I'm putting out here today, ''Protection Rejection: GOP Abandons Consumer Health and Safety Measures.'' It's on my Web site. If you want to understand the full damage that's going to be done across all of these areas, from Dodd-Frank to health care, to food safety, to privacy protections for families across our country, vote ''no'' on this bill.

Mr. ISSA. Madam Chair, it is now my honor to yield 2 minutes to the distinguished gentleman from Oklahoma, (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, apparently the other side assumes most Americans are corrupt; they're corrupt people who cannot be trusted, and they must be babysat at each moment. Company leaders, company owners, many company employees, city and State leaders have to be supervised at every single moment, because if we don't have a Federal bureaucrat standing over the top of them, goodness knows what they'll do.

Well, I happen to trust the American people. The people that I live around and that I work around and that I meet as Americans are great people who drink that water, who eat that food, who interact with their neighbors in an honorable way. And when someone violates and does something criminal, they should be treated in a criminal way.

Most Americans are greathearted people that just want to do what's right, and they're just trying to figure out every day what the Federal Government is doing to them, rather than what the Federal Government is doing for them.

This bill begins to deal with limiting the regulations so each and every day Americans don't have to wake up and worry about what the Federal Government did to them last night while they were sleeping.

Let me give you an example of that. In Oklahoma, we're asking the question, What authority does a special interest group have over our State government?

In January of 2009, several environmental groups sued the EPA to force them to review the regional haze standards. The EPA had wide latitude in its response, but it chose to settle with the environmental groups in a private agreement, just the environmental groups and some individuals from the EPA. That private agreement created a way for the Federal Government to take from the States the right to enforce regional haze requirements. The original law clearly gave the authority to the States, not the EPA and the Federal Government to realize regional haze.

Let me give you an example. This is in my own State in Oklahoma. Regional haze is not a health issue. It is not a health issue. The way the law is written, it's only a visibility issue. It has nothing to do with health issues. So our own State has a State implementation plan.

On one side of this is the picture of our State implementation plan, what it would look like with our restrictions. The other side is the Federal implementation plan, well over $1 billion additional in costs.

No one could step up here with confidence and tell me which one's which.

The CHAIR. The time of the gentleman has expired.

Mr. ISSA. Madam Chair, I yield the gentleman an additional 30 seconds.

Mr. LANKFORD. This is what happens when the EPA makes a private agreement, overshoots a State agreement, and says we're going to go in and step in and take over: over $1 billion of additional costs to the ratepayers in Oklahoma, with no difference in the two, other than who controls it.

This is an issue where there is no public-comment period, no stakeholder involvement, nothing. It is time to resolve how we do our regulations and to make sure stakeholders that are affected are also at the table helping make the decisions on how things will be affected for the good of our country as a whole.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Madam Chair, this is an example of the Republican majority's taste for legislative exotica.

We have a very strange bill that no one expects to go anywhere. They do expect to make some people happy by pretending that they're going to be making oil here. This is in lieu of real legislation.

This is the group that could not have this House pass a transportation bill. The House passed the transportation bill by a legislative maneuver of the kind they used to denounce. It was made part of an overall omnibus package. There was never any chance to amend it, and it came out of a conference committee.

This is a group that can't pass an agriculture bill. We face problems in the agricultural area; and because they are so split over what to do, that committee's brought out a bill, and it's not coming forward. They are unable to do the regular legislative business, so we get this.

Now, what this says is that no rules that have been promulgated of any significance are going to be going forward.

I will not debate the gentleman from Oklahoma about haze. I am no expert about it. But that's the problem. This is not a bill that deals with rules in one area and one area of expertise. It does everything. So let me talk about one area I am familiar with.

The gentleman from Oklahoma says we're saying that you need a Federal regulator looking over the shoulders of every American. No, not every American; but I'm close to thinking of every American who runs a large financial institution, yeah. Of the people who lied about Libor, of the people at Capitol One who cheated consumers.

Now, I am glad we have a consumer bureau that stepped in to protect the Americans there. It's not every American who's corrupt; it is too many in the financial area.

We passed financial reform. I know some of the Republicans don't like it. I read in the paper today, well, Mr. Romney says he's going to repeal it, but the House Republicans say, oh, no, we can't. So instead of repealing it in a head-on way or amending it in a head-on way, they want to stop the rules.

What this bill would do, if it ever became law, would be to say ''no'' to the Volcker rule. No, let's not differentiate as to what kind of activities are legitimate for a bank to do or not. If an American bank that's got deposit insurance wants to speculate and lose billions of dollars in derivative trades, let them be.

This bill will stop us in a number of other areas with regard to derivatives, speculation where we want to put limits on what the nonusers of oil can buy so we can drive up the price.

The notion that the American people are crying out for an end to regulation is not congruent with anything I have read or heard about the financial area. And I am on the Financial Services Committee. I've worked on that.

This bill would fully apply here. It would prevent us from going forward with any of the pending rules in the financial reform bill.

Now, they've taken awhile. They're complicated. Many of them are done. Most of them will be done soon. This is an effort to re-deregulate derivatives, re-deregulate financial irresponsibility without standing up and saying so.

The CHAIR. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. FRANK of Massachusetts. I thank the gentleman.

This is an effort to do re-deregulation by stealth. If they don't want to regulate derivatives, if they think speculation's a good thing, then let's bring up a bill. After all, this isn't the agriculture bill. You don't have to be afraid of splitting your membership by trying to do it.

This ought to be straightforward. Instead, they want to do it by stealth. They want to end our effort to bring regulation to the financial industry.

And, yes, I would say to the gentleman from Oklahoma, when it comes

to the people who have been running the large financial institutions, we do need more regulation, not less; and I believe the American people understand that and do not want to see the people who brought this terrible recession of 2008 from that financial irresponsibility set free of any restraint.

Mr. ISSA. Madam Chair, pursuant to the unanimous consent made in the House, I will insert the staff report from the Committee on Oversight and Government Reform entitled, ''Continued Oversight of Regulatory Impediment to Job Creation,'' the result of over 30 separate field hearings and hearings by the committee, and the work of countless hundreds of job creators around the country who have participated.

HOUSE OF REPRESENTATIVES

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DARRELL ISSA (CA–49), *Chairman*

STAFF REPORT

July 19, 2012

CONTINUING OVERSIGHT OF REGULATORY IMPEDIMENTS TO JOB CREATION: JOB CREATORS STILL BURIED BY RED TAPE

SUMMARY

Rules and red tape imposed by the federal government choke economic expansion and job growth, according to job creators themselves. Despite hearing this message loud and clear, regulations implemented during the Obama Administration have moved aggressively in the opposite direction—the regulatory state continues to grow, adding billions of dollars in compliance costs to businesses and job creators. These costs will ultimately be paid by consumers.

Although Obama Administration officials frequently proclaim it has issued fewer regulations than its predecessors, analysis by the Committee on Oversight and Government Reform reaches a far different conclusion: the Obama Administration has issued far more of the most expensive group of regulations with a higher overall economic cost.

The aggressive march of the regulatory state has been the subject of an ongoing, multiyear examination by the Committee. This staff report expands on earlier Committee work and documents how the regulatory state is proliferating with dire consequences for the economy, and how federal regulations continue to impede job growth and business expansion.

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules that will be finalized increased 18.8 percent. The published regulatory burden for 2012 could exceed $105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office. Since January 1, the federal government has imposed $56.6 billion in compliance costs and more than 114 million annual paperwork burden hours.

Beyond this ''routine'' rulemaking, the number of rules with significant costs is on the rise. Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than $46 billion annually—four times the number of ''major'' regulations and five times the cost of rules issued in the prior administration's first three years.

Workers and job creators confirm that the oppressive regulatory red tape environment continues to hinder improvement. A recent Gallup poll found that nearly half of small businesses are not hiring because they are worried about new government regulations. Forty-four percent of likely voters say they believe regulations from the Environmental Protection Agency (EPA) hurt the economy.

Research conducted by The Winston Group found that 53 percent of voters say federal regulations are one of the major reasons the economy is struggling; 59 percent think that cutting regulations is vital to improving the economy, and 52 percent indicate that stopping new regulations would free employers to begin hiring. According to the National Federation of Independent Business, the issue of regulation and red tape is one of the single most important problems for small businesses.

These views are held not just by poll respondents or business group members—senior Obama Administration officials have spoken out on the need to actively address regulatory impacts on job creation and economic growth.

The White House has praised the Committee for pointing out deficiencies in its approach to regulations. Office of Information and Regulatory Affairs (OIRA) Administrator Cass Sunstein said ''I'm especially grateful to you Mr. Chairman and to the committee as a whole for its constructive and important work on this issue over the past months. It's very significant to try to get regulation in a place where it's helpful to the economic recovery.''

The OIRA Administrator has also said that expensive regulations can ''increase prices, reduce wages, and increase unemployment (and hence poverty).''

OIRA's 2012 Draft Report to Congress on Federal Regulations concedes that ''regulations . . . can place undue burdens on companies, consumers, and workers, and may cause growth and overall productivity to slow.'' It also notes that ''evidence suggests that domestic environmental regulation has led some U.S. based multinationals to invest in other nations (especially in the domain of manufacturing), and in that sense, such regulation may have an adverse effect on domestic growth.''

Finally, OIRA agrees that ''regulations can also impose significant costs on businesses, potentially damaging economic competition and capital investment,'' if not carefully designed.

This staff report examines three types of regulations (energy and environmental, labor, and financial services), and looks at both current and new/proposed rules, their costs and impacts on job creators. It concludes that until the government addresses the overwhelming cost, scope and impact of the ever-expanding regulatory state, it is not in a position to aid job creators and spur economic recovery. Moreover, the staff report suggests that until these regulations are addressed, high unemployment and slow economic growth will persist.

KEY FINDINGS

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules increased 18.8 percent.

The published regulatory burden for 2012 could exceed $105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office.

Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than $46 billion annually—four times the number of ''major'' regulations and five times the cost of rules issued in the prior administration's first three years.

In the past decade, the number of economically significant rules in the pipeline—those that could cost $100 million or more annually—has increased by more than 137 percent.

Over 40 EPA regulations cited by job creators as barriers to growth and expansion in the Committee's February 2011 staff report remain a problem.

The Boiler Maximum Achievable Control Technology (MACT) rule proposed in 2010 will cost job creators up to $15 billion in regulatory compliance costs. A similar ''Utility'' MACT rule would cost providers $9.6 billion annually and result in the shutdown of 25 percent of U.S. power generating units.

EPA's proposal to regulate coal combustion residuals (''coal ash'') usurps states' previous role and exerts unprecedented federal control over the utility industry. More than half of the complaints received from business and industry groups expressed concern last year, while half of the complaints are new. Compliance costs range from $78–110 billion over the next 20 years while job loss estimates range from 39,000, under a low estimate, to 316,000, under a high estimate.

EPA's E15 ethanol rule ''places consumers and vehicle manufacturers at significant risk'' but is proceeding despite these concerns. EPA estimates industry compliance at $3.64 million per year but also notes that half of existing retail outlets are incompatible with the fuel, and would need to purchase and install new equipment.

Proposed fuel economy standards will increase the cost of new vehicles by at least $4,000 per vehicle while delivering less than half that amount in fuel savings and could result in the loss of as many as 220,000 automotive jobs.

Tier 3 gasoline standards proposed by EPA would impose a total economic cost of approximately $8 billion on the industry and raise the cost of gasoline by six to nine cents per gallon for consumers.

Rules attributed to the Dodd-Frank Act will grow from 36 implemented today to roughly 400 required under the act. Rules governing ''conflict minerals'' such as gold, tin, tantalum and tungsten will cost the industry $71 million per year and impact as many as 5,000 companies. The National Association of Manufacturers estimates true compliance costs for the rule to be $9–16 billion.

A U.S. Chamber of Commerce/Business Roundtable survey notes that those impacted by a proposed ''end user'' rule effecting derivatives would have to sideline up to $6.7 billion in working capital and cost 100,000 jobs.

The National Labor Relations Board's ''notice posting rule'' promoting unionization in the workplace will cost employers an estimated $386.4 million and in the words of one industry organization, ''could set a disturbing precedent and chill job creation.''

The Committee is publishing this staff report to tell the American people directly what job creators say is the true cost and impact of the Obama Administration's regulatory agenda.

For additional information please visit: http://oversight.house.gov/wp-content/uploads/2012/07/staff-Report-FINAL.pdf.

I yield 2 minutes to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Madam Chair, I stand here today in strong support of H.R. 4078, the Red Tape Reduction and Small Business Creation Act, which takes important steps and strides to provide our businesses and our small businesses throughout this country with some certainty, the certainty that they so desperately need.

Every time I'm home in my district, I hear from my constituents, my small business owners. They want to know when is this deluge of regulations out of Washington going to end. And that's what this bill addresses today.

□ 1550

It's such a harsh reminder that this administration's policies are not working.

Rather than looking ahead, our small businesses and our job creators are ducking and hiding behind the myriad, the deluge of mandates and regulations that so restrict their growth. This uncertainty that these regulations create is the enemy of growth, and it's why our economy does not move forward, and it's why it is so stagnant.

This year, the Federal Register has reached nearly 42,000 pages with regulations that cost our American businesses $56.6 billion and that result in 114 million hours of paperwork. That's why our economy is not growing. They cannot even deal with the deluge of regulations coming out of Washington.

Why should an owner of a supermarket in upstate New York spend his time dealing with the 15,000 pages of regulations from the Affordable Care Act rather than paying attention to the inventory in his grocery store?

Simply put, Madam Chair, Washington's attitude toward the private sector is discouraging. It's time for Congress to reverse the trend and to let America's job creators know that we stand beside them rather than in front of them, blocking their progress and their growth.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the distinguished ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Chair, I rise in opposition to this bill.

All year, the House Republicans have brought extreme bills to this floor to repeal commonsense safeguards. In fact, we have voted over 280 times this Congress to repeal or undermine landmark environmental laws like the Clean Air Act and the Clean Water Act. That's not what the American people want.

The legislation we are debating today takes this assault to a new level. It halts virtually all regulation until unemployment drops below 6 percent. I don't see it. We are going to have an unprecedented attack on critical public health, safety and economic protections? We are going to let the marketplace solve all problems?

This bill would undermine Medicare by preventing the issuance of updated reimbursement rates and by denying hospitals and clinics hundreds of millions of dollars in Medicare payments—because these are regulations as well. It would jeopardize the food supply by blocking produce safety rules that would prevent contaminated food from showing up on our local grocery store shelves. It would stop broadly supported tailpipe rules for cars and trucks that will save consumers money, slash pollution, and cut our dependence on oil. It would block rules to ensure health care quality and raise the bar for provider performance.

According to the Congressional Budget Office, this legislation could even delay incentive auctions of spectrum by the FCC. These auctions would raise billions of dollars to build out the public safety communications system. This is a clear example of how this bill will kill jobs, not create them, and increase, not reduce, the deficit.

Madam Chair, a lot of regulations are important and a lot of regulations create jobs, but we hear over and over again, Oh, we can't burden the job creators with regulations. When we put regulations in place, it's for a reason. There is a reason that we ought to let the regulations go forward and not stop them all as this bill would do. The reasons are to protect public health and safety. The reasons are to have a Medicare system that is up to date. The reasons are to make sure that our financial institutions have rules that apply to them and that we don't let them make the decisions on their own. They may be job creators, but they were job destroyers in 2008.

Republicans say they want to cut red tape, but this legislation does not cut red tape. It makes the rest of the government just like the House of Representatives—dysfunctional and unresponsive to the Nation's pressing problems. I urge my colleagues to vote against this bill. I urge the American people to watch carefully who votes for it.

Mr. ISSA. Madam Chair, I now yield 2 minutes to the gentleman from Arizona, Dr. GOSAR.

Mr. GOSAR. Madam Chair, as a business owner, this is what I get when I hear, The government is here to help us. Look at this red tape. Wow. That's what a small business has to put up with just to create a business. That's why I rise today in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act of 2012.

A recent report released from Gallup suggests that 46 percent of all small business owners have put a freeze on new hiring because they are worried about regulations and costs. Clearly, sensible solutions and reforms are needed. This bill will allow small businesses to be free of the burdensome yoke of government regulation. For far too long, stifling bureaucracy and meddlesome mandates have stagnated job growth. Red tape has tied the hands and the feet of employers and entrepreneurs alike.

Look at the maze. These binds which constrict the free flow of labor and capital will be cut by this bill, which simply states that any new major Federal regulations costing over $100 million may not be implemented until the unemployment rate falls to 6 percent. This will save an estimated $22.1 billion.

Just as important, the upside down roller coaster that our small businesses and entrepreneurs have been on for the past few years can finally stop. Americans looking to start businesses, expand their business facilities, or hire more workers can plan for the future and put our economy back on a path to prosperity.

As a small business owner for 25 years, I am acutely aware of the way in which restrictive regulations and rules can hold a business owner hostage. Let's free the private sector from this captivity. I urge a ''yes'' vote on the Red Tape Reduction and Small Business Job Creation Act.

Mr. CUMMINGS. Madam Chair, may I inquire as to how much time both sides have.

The CHAIR. The gentleman from Maryland has 6 minutes remaining. The gentleman from California has 9 minutes remaining.

Mr. CUMMINGS. I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. CUMMINGS, Mr. ISSA, and Members of the House.

I've read this bill. There is something about it that we really need to understand, and that is that we just got through having a debate about the Federal Reserve. One of the reasons the Fed should be audited is that it is not fulfilling its responsibility for bringing about employment in this country.

Now, this bill exempts the Federal Reserve. Think about it. We say we want to bring unemployment down to 6 percent. The Fed, if you look at the Board of Governors' report, has basically jettisoned the whole idea about bringing unemployment down. Right now, they're establishing what I would call a new threshold of 5 to 6 percent unemployment. So, if our friends are successful with their bill, we won't have jobs, and we won't have regulations either.

Hello? Read the report.

I mean, we ought to be investigating why has the Fed stepped back from its job creation, and why are we exempting them from a bill in which we are actually taking the pressure off them for job creation.

Now, look, we should be creating jobs. No question about it. I have a bill, H.R. 2990, that puts the Fed under Treasury and that let's the government spend money into circulation and create millions of jobs. Put America back to work. Prime the pump of the economy, a full employment economy. It goes way past Humphrey-Hawkins. Get America back to work. America needs to get back to work.

If that's what my friends on the other side of the aisle are saying, we're together on that. America has to get back to work—but we're going to get back to work while having water that's not safe to drink? air that's not safe to breathe? We're going to get back to work by having products that you don't know your pets can consume?

Are we going to get back to work by having to worry about, when we go to various salad bars, if it's something we can consume and whether or not there are proper food inspections? Are we going to get America back to work by not checking on airplane safety?

Is that how we get America back to work?

Come on. Whether you're a Democrat or a Republican, there are certain regulations that are absolutely fundamental to running an organized society. I understand wedge issues—this is a political climate—but let's not mix up this mutual concern that we have about creating jobs in this country by trying to score some points by saying, well, there are regulations that are bad.

I'm sure there are regulations that don't work. I'm not somebody who believes that government has the solution to everything. I know better than that. I've been here for 16 years. I understand that much. Yet I know one other thing, which is, when you take a broad approach in trying to knock out regulations, you're looking for trouble. You're going to create trouble. That's what this does. So I am urging a ''no'' vote, and I'll have more to say on an amendment that I have.

□ 1600

Mr. ISSA. Mr. Chairman, it's now my honor to yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman for yielding the time.

Mr. Chairman, I add my voice to calling for the passage of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

One of the key provisions of this bill is title III, the Sunshine for Regulatory Decrees and Settlements Act. Certain environmental advocacy groups sue Federal agencies to issue regulations, and then agencies settle these lawsuits behind closed doors, which is also known as ''sue and settle.'' Only after a settlement has been agreed to does the public have any chance to provide any comment. This is a pointless exercise because the damage has already been done. More troubling, these settlements often allow advocacy groups and agencies to effectively dictate major policy on their own by circumventing the protections that exist for public participation in a regulatory system.

This provision, the Sunshine for Regulatory Decrees and Settlements Act of 2012, promotes openness and transparency in the regulatory process, and it does that by requiring agencies to notify the public of these lawsuits before they're settled and giving the public meaningful voice in the process.

As Chairman ISSA knows from the field hearing he held on Great Bay in my district in the State of New Hampshire, my constituents and small businesses are facing this very issue. Communities, small businesses, and New Hampshire families are facing massive tax increases because outside organizations with political agendas are forcing the EPA into a sue or settle situation, costing Granite Staters on the seacoast hundreds of millions of dollars. This has been done behind closed doors without the community being at the table as a full negotiating partner, and this is wrong.

We all want the Great Bay to be clean and to be protected, but sue and settle is not the way. In the end, the actions of a few politically driven organizations are costing small businesses and hurting New Hampshire families in an already difficult economy.

Chairman ISSA, I want to thank you for coming to New Hampshire to shed light on this problem. For these reasons, I urge all Members to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Maryland has 3½ minutes remaining.

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

I just want to clear up something. It has been said that this would affect matters that would likely have an annual cost to the economy of over $100,000 or more, in other words, those that would be subject to the bill. But the piece that is left out on page 8 of the bill—and this is very crucial. It says:

> Or if OMB determines—or adversely affect—that is, legislation rules, proposed rules—that would 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.

And, of course, the bill goes on to say that OMB may make a determination, but if there is an entity that is agreed, they can always go to court. It's not accurate to say that it's just limited to those types of regulations that would affect the economy to the tune of $100 million. It actually affects a whole lot more than that.

With that, I continue to reserve the balance of my time.

Mr. ISSA. Mr. Chairman, hopefully the gentleman would note that the language he just quoted is from the President's executive order. It's not some sort of pocket information, but, in fact, something the President of the United States felt was a reasonable set of language.

With that, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you, Chairman ISSA.

Most Congressmen call their district staff workers caseworkers. I call my district workers red tape cutters, because that's what they do. Unfortunately, we have to have a job like that because government red tape is so thick. A lot of what our caseworkers do is for veterans and Social Security recipients, but they also help our small businesses.

When I'm back home, I hear time and time again from businesses about how the government is getting in the way of creating jobs, and if we would just tell them what to do and let them do it and quit changing the rules midstream, they would do it. That's what this bill does, it tells the government: Stop. Don't change the rules midstream until our economy is back on track. It's a jobs bill, and it's an opportunity to give our businesses the opportunity to get people hired.

This Congress has been tireless in our pursuit of creating jobs by eliminating senseless and expensive government regulation. I'm confident this bill will pass the House, and I hope it has better luck than some of the other bills that we've passed, like the REINS Act, that also deals with regulation, when it gets across the Capitol and to the Senate.

We have got to get these bipartisan jobs bills passed and signed into law. Americans know we have to cut the unemployment rate. To do that, we're going to have to cut the red tape.

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

Mr. ISSA. I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the chairman for yielding, and I thank him for his leadership on this issue.

I rise today in support of this legislation that will save this country billions of dollars and create thousands of much-needed jobs.

Mr. Chairman, ''red tape'' is a word we hear all too often in Washington, but when you get back to places like Danville, Virginia, and talk with the people who are stuck in it, you gain a new perspective on what Federal regulations mean to everyone outside of the beltway.

As the Federal Government continues to grow in size and scope, our Main Street businesses continue to struggle. The President tells us that the private sector is doing just fine. The President tells us that if you've got a business, you didn't build it. But the President has not told us how he plans to help our small business owners grow and create the jobs our local communities need.

Our Nation has faced over 8 percent unemployment for more than 3 years. We're being crushed under a rapidly accumulating $16 trillion debt, and both of these things have everything to do with the policies set forth in Washington that grow the Federal Government and strangle our Main Street businesses.

Where others will not lead, the House will. That's why we remain focused on adopting legislation like the bill we consider today, legislation that will remove the Federal Government as a barrier to job creation. This package of bills will lead us to responsible regulations and ensure that the economic impacts of Federal regulations are accounted for. Most importantly, it will

give our small business owners across central and south Virginia the ability to hire and expand their businesses at a time when many are closing their doors.

This legislation is the kind this country needs to turn the corner from a struggling economy to the America that we have known for generations, a country of limited government and unlimited opportunity. I urge my colleagues to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I inquire as to whether or not the gentleman has other speakers?

Mr. ISSA. I am prepared to close.

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

Mr. Chairman, I would just like to say, in closing, that the debate today proves that this bill is an extreme attack on the regulatory system.

Republicans have put critical protections on the line by proposing to shut down the regulatory process with a bill that was ill-conceived from the start and that was cobbled together so quickly it is riddled with flaws that render it unworkable.

I might also say that one of the things that I've said over and over again, and I think the position has been—I know it's the position of the President—that we must have balance with regard to regulations. I think that Mr. WAXMAN and certainly Mr. FRANK were absolutely right. It's not a question of distrust. It's a question of making sure that we have regulations in place to protect the safety and welfare of our citizens, and we don't need to look too far.

When I look at my district and I see the many people who lost so much because of what happened on Wall Street and what happened just recently with regard to the banks, the fact is that regulation is needed. If any committee has had evidence of it, it is our committee, Oversight and Government Reform.

We've heard no evidence today that regulations kill jobs. We've heard no evidence that regulations hurt our economy. We've heard countless examples of how regulations can improve the health and safety of Americans and save lives. It is so very important that we keep in mind that balance that I talked about.

It's also important that we keep in mind what this President has done. President Obama has made sure that he has taken a careful look at those rules, those regulations that were unnecessary. He has put forth less regulations than either former President Bush. He has slowed down the process of approving regulations. I think, clearly, he is headed in the right direction as to what I just said about a balanced approach.

□ 1610

So I hope the American people understand that this legislation is not advancing their interests. I repeatedly said that the majority is forcing a false choice. We do not have to choose between creating jobs and protecting the health and safety of American families. We can and must do both. This legislation does neither, and I urge all our Members to vote against it.

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

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

I never thought I would hear former Chairman WAXMAN speak in terms of how dysfunctional Congress is, how we just don't operate and can't be trusted; but, clearly, I heard him say that today.

I still believe in the institution that all of us belong to. In living up to our responsibility, Congress has the responsibility to pass laws; and it has an absolute obligation to oversee the administration of those laws. The executive branch, or administrative branch, actually, only has the right to create regulations and executive orders to support the laws that have been created.

For too long, we have abrogated our responsibility. Former Chairman WAXMAN apparently would like to continue doing that, in what he said of our low rating and essentially repeating it.

Until the unemployment rate reaches 6 percent, taking back just less than 66 out of 3,000 regulations last year and making them accountable either to fall into emergency requirements into specific categories of essential harm or to come to Congress would seem to be a small task.

I have no doubt that if the shoe were on the other foot and President Bush was still in office and the Democrats were still in charge, that this bill would look more favorable to them. But that's not what we should be here deciding, who it favors or disfavors. When this bill becomes law, it will, in fact, become law for the future for Democrats and Republican Members alike.

The elimination of the ''midnight regulations'' that for so long have been abused by Presidents of both parties, H.R. 4607 absolutely is long overdue. President George W. Bush rushed excess amounts to close before he left. President Obama will, undoubtedly, do the same. That's wrong. It's simply wrong. And we know is. And we know that often, as this bill says, these are regulations that aren't heard before the election and are concluded in those 75 days before departure.

It's wrong. We know we need to stop it. We shouldn't abrogate our responsibility. And the Members on the other side will suddenly decide, I'm sure, this is a better idea, should Mitt Romney be elected in the fall.

This bill is supported by the Chamber of Commerce, Associated Builders & Contractors, the Small Business & Entrepreneurship Council, and the National Federation of Independent Businesses.

The fact is, this is about simply saying not that we're going to stop 3,000 regulations, but that we're going to slow and evaluate more carefully the 66 largest of them by this administration last year.

During debate, the administration was essentially lauded for having passed fewer regulations in numbers than President George W. Bush. I checked that during debate. That's true. But that's because President George W. Bush did regulatory changes to eliminate regulations, and those scored. When you actually look at the cost of regulations under this administration, the cost is dramatically higher.

I will share with my colleagues on the other side of the aisle that cost is not just dollars and cents, that you have to look at all the benefits. But for too long, we've had ''sue and settle.'' We've had the ability for these determinations to be made without that due process of looking at both sides.

So today, as we move this bill, I clearly appreciate the fact that the men and women of my committee—the staff, the hardworking people who never get seen in front of the camera, who, in fact, have worked through 30 hearings, through countless interviews with job creators—have made sure that the right things are in this bill for the right reason.

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

The Acting CHAIR. The gentleman from Texas is recognized.

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

Mr. Chairman, America's economic recovery remains sluggish, with the national unemployment rate above 8 percent for over 40 months. The President promised that his $800 billion spending bill would keep unemployment under 8 percent. Instead, the spending bill only added to the deficit, which has doubled under this administration.

More than 12 million Americans are out of work, 700,000 more than when President Obama took office; and the median income of American families has dropped too.

The President's economic policies have failed, and his regulatory policies have made the economy worse. A recent Gallup poll found that among the 85 percent of U.S. small businesses that are not hiring, nearly half cited ''being worried about new government regulations'' as the reason.

President Obama has turned America into a regulation Nation. A Heritage Foundation study found that in his first 3 years in office, President Obama implemented 106 major rules that imposed $46 billion in additional annual regulatory costs on the private sector. That's a new record.

The President promised in his 2011 State of the Union address to fix ''rules that put an unnecessary burden on businesses,'' but he has gone in the opposite direction. We need to encourage businesses to expand, not tie them up with red tape.

Today, Congress continues to fight the constricting red tape that comes from Washington by offering commonsense solutions that deserve bipartisan support. And that's what we do today.

Members of the Judiciary Committee introduced three of the titles in the Red Tape Reduction and Small Business Job Creation Act. Mr. GRIFFIN's Regulatory Freeze for Jobs Act gives small businesses a much-needed break from new regulations that cost the economy $100 million or more until the unemployment rate stabilizes at 6 percent.

The Freeze Act is narrowly tailored to stop unnecessary economically significant regulations. It contains reasonable exceptions, such as health and safety, criminal or civil rights laws, trade agreements, and national security. The Freeze Act gives job creators confidence about future regulatory conditions, which will encourage them to make the investments that will jump-start our economy.

The RAPID Act, introduced by the gentleman from Florida (Mr. ROSS), helps to create jobs as it streamlines the Federal environmental review and permitting process. It draws upon established definitions and concepts from existing regulations and even from the administration's own recommendations.

Employers and investors can't move forward without necessary permits and without confidence in the process. The RAPID Act establishes reasonable, predictable deadlines for agencies to complete the permit review process and for lawsuits to be filed afterwards.

The Sunshine for Regulatory Decrees and Settlements Act, introduced by the gentleman from Arizona (Mr. QUAYLE), ends the abuse of consent decrees and settlements to require more regulations.

For many years, regulatory advocates and agencies have used consent decrees and settlements to establish new rules in secrecy, outside the regular rule-making procedures that provide for transparency and public participation. The ''sue and settle'' approach has enabled agencies to impose higher costs and avoid accountability since they can claim ''the court made us do it.''

Mr. QUAYLE's legislation makes sure that the public and those affected by regulations have a say in these decrees and settlements. It also requires greater judicial scrutiny and helps to prevent an outgoing administration from unfairly setting its successor's agenda through consent decrees. These and all of the titles of the Red Tape Reduction and Small Business Job Creation Act provide needed relief to small businesses.

Economic growth depends on job creators, not Federal regulators. This legislation frees up businesses to spend more, invest more, and produce more in order to create more jobs for American workers. I urge my colleagues to support this commonsense bill.

Mr. Chairman, I reserve the balance of my time.

□ 1620

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

Could I begin by asking the distinguished chairman of the House Judiciary Committee this following inquiry: Is it not true that the United States of America has less regulation than almost any other industrialized country in the Western Hemisphere?

I am pleased to yield to the gentleman from Texas to respond.

Mr. SMITH of Texas. I have no idea whether we have more or fewer regulations than other countries. I do know this: we have far more regulations today than we had 3 years ago. And I also know that the Obama administration has set a new record in the number of expensive, unnecessary regulations that it has suggested and implemented.

I thank the gentleman for yielding.

Mr. CONYERS. Well, the gentleman is welcome. His answer is no, he doesn't know. And I'm going to, in the course of this debate, try to share with him the fact that other industrialized nations have far more regulations than us, just to put things into some kind of relative proportion.

Members of the House of Representatives, Joseph Stiglitz has talked about the subject of regulation. Here is something that he had to say about it that I think will set us in the right frame of mind to examine dispassionately the principle that is under examination this afternoon. He said this:

> The subject of regulation has been one of the most contentious, with critics arguing that regulations interfere with the efficiency of the market, and advocates arguing that well-designed regulation not only makes markets more efficient, but also helps to ensure the market outcome is more equitable. Interestingly, as the economy plunges into a slowdown, if not a recession, with more than 2 million Americans expected to lose their homes, there is a growing consensus there was a need for more government regulation. If it is the case that better regulations could have prevented or even mitigated the downturn, the country and the world will be paying a heavy price for the failure to regulate adequately, and the social costs are no less grave, as hundreds of thousands of Americans will not only have lost their homes, but their lifetime savings as well.

And so the measure before us, H.R. 4078, by stopping or delaying rules from going into effect, seriously jeopardizes the safety and the soundness of our Nation's economy and our society generally.

Another fundamental problem with this proposal is that it myopically focuses on the cost of regulations while largely ignoring their overwhelming benefits. So this measure, with its misleadingly short title, will not result in creating jobs for one simple reason: there is no credible evidence establishing that regulations have any substantive impact on job creation.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and the chairman of the Courts, Commercial and Administrative Law Subcommittee.

Mr. COBLE. Mr. Chairman, I thank the distinguished chairman from Texas for having yielded, and I rise in support of H.R. 4078.

I have the honor and privilege of serving as the chairman of the Judiciary Subcommittee on Courts, Commercial and Administrative Law, which among other things has jurisdiction over the Administrative Procedures Act. Our subcommittee has spent an enormous amount of time and energy reviewing proposals to refine the manner in which our Federal Government formulates and implements regulations. I have encountered two philosophies on improving our regulatory system. One philosophy is we routinely review and improve regulations, while others advocate that the Federal Government should issue yet more regulations.

It appears to me that the Obama administration has embraced the latter philosophy because red tape has been flying fast and furious during his tenure. His administration has proposed regulations that are expected to exceed $100 million at the rate of 125 every 2 years. Currently, there are 24 major rules in the pipeline for review by the Office of Information and Regulatory Affairs. The results have been telling. During the first 26 months of the Obama administration, our Federal Government has added $40 billion of annual regulatory cost to our economy, and this year the Federal Register already exceeds 40,000 pages.

In the transportation arena, new DOT passenger protection regulations are estimated by the American Aviation Institute to cost $1.7 billion annually. In total, there are 10 new Federal aviation regulations that will cost $4 billion annually. Although they will produce no significant benefit to the traveling public, they certainly and inevitably will be passed along in the form of fees, reduced services, or increased prices.

Since 2008, the combined budget of regulatory agencies has ballooned 16 percent, topping $54 billion. During the same time, employment at the agencies grew 13 percent while our economy only grew by 5 percent and the number of private sector jobs shrunk by 5.6 percent.

The scene is ominous, and I think it reflects what has happened to our economy, but I also do not believe that the situation is hopeless. The need for regulatory reform has been emulated by every administration since President Ronald Reagan, but efforts have not been successful. Enacting H.R. 4078 will be a step in the right direction.

Several titles of this legislation which were approved by the Judiciary Committee will implement immediate relief.

The original provisions of H.R. 4078, the Regulatory Freeze Act, could reportedly save our economy $22.1 billion and save thousands of jobs without jeopardizing our safety.

H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act, will end the practice of special interests using consent decrees to bypass the regulatory process and imposing their will and priorities on affected communities.

H.R. 4377, the RAPID Act, will help end the permitting logjam that has stifled development investment without diminishing a single environmental standard or protection.

Regulations that are narrowly tailored, effective, and routinely reviewed can make our society safer and our economy stronger, but when they are ineffective or inefficient, our security is jeopardized, and so is our economy.

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

I direct an inquiry to the distinguished gentleman from North Carolina (Mr. COBLE) to ask him if he is aware of the fact that the Obama administration has accomplished and accumulated net benefits of regulations in the last 3 fiscal years that exceed $91 billion?

□ 1630

This comes from the Office of Management and Budget, and it's more than 25 times the net benefits of regulations issued by the Bush administration for a comparable period of time.

I would yield to the distinguished gentleman for a response.

Mr. COBLE. No, I was not aware of that. But job creators need some certainty about the regulatory forecast to make the kind of investments that will create jobs. The Freeze Act is carefully drafted to only freeze those regulations that cost the economy $100 million or more. Thus, a regulation that has $100 million in benefits would not be frozen by the bill.

Mr. CONYERS. Are you telling me that the freeze will be helpful to creating jobs? Are you telling me in response to my question that the freeze will be helpful to create jobs?

I yield to the gentleman.

Mr. COBLE. Yes, I am telling you that.

Mr. CONYERS. But do you accept the Office of Management and Budget's findings that the benefits of regulations by the current administration in the last 3 fiscal years exceeded $91 billion?

Mr. COBLE. Well, I don't know that, but if you will permit me, I will yield to the chairman for that.

Mr. CONYERS. You may not. You're not able to yield because I yielded to you. So you don't know?

Mr. SMITH of Texas. If the gentleman would yield to me, I would be happy to try to respond.

Mr. CONYERS. Well, I just wanted to ask the gentleman. I didn't mean to make this as prolonged as it has become, but I don't think his response of a freeze was an adequate response to my question.

Mr. COBLE. I was not aware of the questions you put to me. I can neither embrace nor reject that.

Mr. CONYERS. I thank the gentleman for his attempted response.

I would now like to yield 2 minutes to the gentlewoman from upstate New York, Ms. KATHY HOCHUL, who serves with great distinction on the Armed Services Committee.

Ms. HOCHUL. I thank the gentleman for yielding.

On February 12, 2009, Flight 3407 crashed into a house in my district, killing all the passengers and an individual in his home. Out of that devastation arose a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up, coming to talk to Members of Congress over 50 times over 3 years, and they are eagerly awaiting the final implementation of potentially lifesaving rules. It sounds like a happy ending, doesn't it?

Yet, this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms. With the so-called Regulatory Freeze Act, these reforms would simply die. So those who voted for them in the past are now calling them job killing? Well, I call them people saving.

Listen, I know we need to end overburdensome regulations, and I voted against many of them, the ones that hurt our farmers and small businesses. I hear about that in upstate New York. But there's a commonsense way to do it. But to freeze all government regulations, all of them, regardless of the health and safety of our citizens is over the top, even for this town.

Flight safety rules are just one example. The bill would also block benefits for disabled and homeless veterans, it would hurt seniors, and it would eliminate rules that ensured taxpayer dollars are used for goods made in America. This only proves that Washington is broken and we need to fix it.

I urge my colleagues to vote ''no'' on this senseless regulation and this rule.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds to respond to a question that the gentleman from Michigan posed a few minutes ago.

Mr. Chairman, I'd like to include for the RECORD an article from earlier this year that appeared in The Economist magazine. This is a magazine that is one of the oldest, most respected sources of news and analysis, and it is favorably disposed toward the Obama administration. But it published an article detailing how the Obama administration systematically manipulates the cost-benefit analysis in agency rulemaking.

This manipulation deliberately inflates benefits and minimizes the cost, the article says. The Economist goes so far as to call the administration's cost-benefit analysis ''highly suspect'' and ''subject to the whims of the people in power.''

[From the Economist, Feb. 18, 2012]

MEASURING THE IMPACT OF REGULATION

THE RULE OF MORE—RULE-MAKING IS BEING MADE TO LOOK MORE BENEFICIAL UNDER BARACK OBAMA

WASHINGTON, DC: In December Barack Obama trumpeted a new standard for mercury emissions from power plants. The rule, he boasted, would prevent thousands of premature deaths, heart attacks and asthma cases. The Environmental Protection Agency (EPA) reckoned these benefits were worth up to $90 billion a year, far above their $10 billion-a-year cost. Mr. Obama took a swipe at past administrations for not implementing this ''common-sense, cost-effective standard''.

A casual listener would have assumed that all these benefits came from reduced mercury. In fact, reduced mercury explained none of the purported future reduction in deaths, heart attacks and asthma, and less than 0.01% of the monetary benefits. Instead, almost all the benefits came from concomitant reductions in a pollutant that was not the principal target of the rule: namely, fine particles.

The minutiae of how regulators calculate benefits may seem arcane, but matters a lot. When businesses complain that Mr. Obama has burdened them with costly new rules, his advisers respond that those costs are more than justified by even higher benefits. His Office of Information and Regulatory Affairs (OIRA), which vets the red tape spewing out of the federal apparatus, reckons the ''net benefit'' of the rules passed in 2009–10 is greater than in the first two years of the administrations of either George Bush junior or Bill Clinton.

But those calculations have been criticised for resting on assumptions that yield higher benefits and lower costs. One of these assumptions is the generous use of ancillary benefits, or ''co-benefits'', such as reductions in fine particles as a result of a rule targeting mercury.

Mr. Obama's advisers note that co-benefits have long been included in regulatory cost-benefit analysis. The logic is sound. For instance, someone may cycle to work principally to save money on fuel, parking or bus fares, but also to get more exercise. Both sorts of benefit should be counted.

The controversy arises from the overwhelming role that co-benefits play in assessing Mr. Obama's rule-making. Fully two-thirds of the benefits of economically significant final rules reviewed by OIRA in 2010 were thanks to reductions in fine particles brought about by regulations that were actually aimed at something else, according to Susan Dudley of George Washington University, who served in OIRA under George Bush (see chart). That is double the share of co-benefits reported in Mr. Bush's last year in office in 2008.

If reducing fine particles is so beneficial, it would surely be more transparent and efficient to target them directly. As it happens, federal standards for fine-particle concentrations already exist. But the EPA routinely claims additional benefits from reducing those concentrations well below levels the current law considers safe. That is dubious: a lack of data makes it much harder to know the effects of such low concentrations.

Another criticism of the Obama administration's approach is its heavy reliance on ''private benefits''. Economists typically justify regulation when private market participants, such as buyers and sellers of electricity, generate costs—such as pollution—

that the rest of society has to bear. But fuel and energy-efficiency regulations are now being justified not by such social benefits, but by private benefits like reduced spending on fuel and electricity.

Private benefits have long been used in cost-benefit analysis but Ms. Dudley's data show that, like co-benefits, their importance has grown dramatically under Mr. Obama. Ted Gayer of the Brookings Institution notes that private benefits such as reduced fuel consumption and shorter refuelling times account for 90% of the $388 billion in lifetime benefits claimed for last year's new fuel-economy standards for cars and light trucks. They also account for 92% and 70% of the benefits of new energy-efficiency standards for washing machines and refrigerators respectively.

The values placed on such private benefits are highly suspect. If consumers were really better off with more efficient cars or appliances, they would buy them without a prod from government. The fact that they don't means they put little value on money saved in the future, or simply prefer other features more. Mr. Obama's OIRA notes that a growing body of research argues that consumers don't always make rational choices; Mr. Gayer counters that regulators do not make appropriate use of that research in their calculations.

Under Mr. Obama, rule-makers' assumptions not only enhance the benefits of rules but also reduce the costs. John Graham of Indiana University, who ran OIRA under Mr. Bush, cites the new fuel-economy standards as an example. They assume that electric cars have no carbon emissions, although the electricity they use probably came from coal. They also assume less of a ''rebound effect''—the tendency of people to drive more when their cars get better mileage—than was the case under Mr. Bush.

Mr. Bush's administration was sometimes accused of the opposite bias: understating benefits and overstating costs. At one point his EPA considered assigning a lower value to reducing the risk of death for elderly people since they had fewer years left to live; it eventually backed down. Mr. Obama's EPA has considered raising the value of cutting the risk of death by cancer on the ground that it is a more horrifying way to die than others.

More consistent cost-benefit analysis would reduce such controversies. Michael Greenstone of the Hamilton Project, a liberal-leaning research group, thinks that could be done through the creation of a nonpartisan congressional oversight body using the best evidence available to vet regulations, much as the Congressional Budget Office vets fiscal policy. It would also re-evaluate old regulations to see if the original analysis behind them was still valid. Rulemaking would still require judgment, but it would be less subject to the whims of the people in power.

Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas (Mr. GRIFFIN), a member of the Judiciary Committee and the sponsor of the legislation we consider today.

Mr. GRIFFIN of Arkansas. Mr. Chairman, first of all, I would like to say that the idea that this bill will stop good, reasonable, commonsense, and much-needed regulations is nonsense. It simply requires Congress to have a role. And after all, Congress is the body that authorizes laws and regulations in the first place. That just makes sense. The complications that so many complain about, I call checks and balances.

I rise in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act. This bill would freeze significant regulations, those costing the economy $100 million or more, until nationwide unemployment falls to 6 percent or below.

Many of my friends on the other side say there's no connection between excessive and overly burdensome regulation and job creation. They must have been asking their favorite economist and not talking to actual job creators. Even President Obama disagrees.

In a January 2011 Wall Street Journal op-ed, President Obama wrote:

> Sometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have a chilling effect on growth and jobs.

He has at least given lip service to the problem.

Small businesses like Razor Chemical, a manufacturer of environmentally friendly cleaning supplies in North Little Rock, Arkansas, bear the brunt of regulatory compliance costs. According to the government's Small Business Administration, complying with current Federal regulations already costs at least $1.75 trillion every year, adding more than $10,000 in overhead per small business employee—which is 30 percent higher than the regulatory costs facing large firms.

Half of all private sector employees in the United States are employed by a small business job creator—exactly the type of folks who are getting hammered by the Obama administration's aggressive regulatory agenda. In its first 3 years, the Obama administration created 120 new major regulations, costing Americans more than $46 billion each year. That's more than four times the number and five times the cost of major regulations created by the Bush administration in its first 3 years.

As the lead sponsor of this bill, I made sure it carefully targets the most harmful regulations while making exceptions for Federal rules necessary for national security, trade agreements, enforcement of criminal and civil rights laws, and imminent threats to health or safety.

It also includes a provision allowing the President to seek congressional approval for other regulations that he thinks are absolutely critical. And, in fact, with that waiver, you can pretty much pass any regulation as long as Congress agrees.

In his State of the Union address, President Obama admitted, ''There's no question that some regulations are outdated, unnecessary or too costly.''

If there's no question about the problem, he should embrace the House's solution.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume to ask the distinguished member of the Judiciary Committee, Mr. TIM GRIFFIN of Arkansas, if he is aware that the President, as he's correctly stated, supports regulation as a general principle but that he opposes very strongly H.R. 4078, the Regulatory Freeze for Jobs Act of 2012?

I would yield to the gentleman for a response.

□ 1640

Mr. GRIFFIN of Arkansas. Well, I thank the gentleman.

First of all, I don't know anyone who's antiregulation. It's the excessive and overly burdensome regulations that are the problems.

I have a 2-year-old baby, John, and a 4-year-old, Mary Katherine. I want clean air and clean water for them.

I understand the need for reasonable, commonsense regulations, but that's not what we're talking about here, with all due respect.

Mr. CONYERS. Well, if I could interrupt the gentleman, this is not about what your opinion is or mine. I'm asking you about the President's opinion.

The President, as you quite accurately said, is supportive of regulation, but he is specifically opposed to this regulation, and I would like to quote to you exactly what he said about H.R. 4078:

> The bill would undermine critical public health and safety protections, introduce needless complexity and uncertainty in agency decisionmaking, and interfere with agency performance of statutory mandates.

Now, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an outstanding member of the Financial Services Committee.

Mr. MILLER of North Carolina. Mr. Chairman, the astronomical estimates we hear on the cost of regulation assume that no business would ever do anything that any regulation requires unless there was a regulation requiring them to do it.

The truth is that most businesses really want to do the right thing. Most businesses try to have a safe workplace. Most businesses try not to pollute the air and pollute the water and release toxic chemicals that are going to affect public health. Most businesses want to have safe products. They don't want to produce baby formulas that are going to hurt infants. Those folks do the right things.

The other folks who don't want to do that and would save a little bit of money by not doing anything that common decency requires, in addition to regulations, they hire lobbyists and they make campaign contributions. Those are the folks that we need regulations for.

Mr. Chairman, most Americans don't know what this bill really does. They don't know what a ''freeze on significant regulations'' really means without a long explanation, and a reporter who's trying to get air time to talk about this bill or print space is not going to have much luck. This bill is just too in the weeds, and Republicans obviously think that there is public safety in the weeds.

If Republicans were to try to bring a bill to the floor that openly repealed

the Wall Street Reform Act, the Clean Water Act, the Food and Safety Act, and on and on, that bill would get some attention. This bill does much the same thing as repealing those acts but without being honest about it. They would have to explain themselves to their constituents if they just up and repealed those laws. Instead, Republicans are speaking in political gobbledygook. They don't tell folks what this bill is really doing. It's like adults who spell out words so their children won't know what they're talking about. Their constituents, Republicans hope, will not know what ''red tape reduction'' means, really. It sounds good, but the effect is to undo all of the protections that we depend upon from our government.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. ROSS), who is a member of the Judiciary Committee and a sponsor of the RAPID Act, which is a part of this legislation.

Mr. ROSS of Florida. Mr. Chairman, our country is in the midst of the worst economic crisis since the Great Depression. Much of the blame lies here in Washington where living beyond our means and micromanaging the economy is, to quote some in this town, ''just the way Washington works.''

Well, Mr. Chairman, Washington doesn't work. Any business that has tried to break ground and build something knows what I'm talking about: dozens of Federal agencies representing varied interests competing against each other while special interest groups wait in the wings to hold projects hostage for ransom.

Mr. Chairman, allow me to sum up what our permitting process should be.

> Our Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities. They must ensure that agencies set and adhere to timelines and schedules for completion of reviews, set clear permitting performance goals, and track progress against those goals. They must encourage early collaboration among agencies, project sponsors, and affected stakeholders in order to incorporate and address their interests and minimize delays.

What I just read is verbatim from a March 2012 executive order by President Barack Obama, and I agree with the President 100 percent.

Mr. Chairman, we achieve these goals of the President in H.R. 4078, and it could not come soon enough for those looking for work. A March 2011 study conducted by the United States Chamber of Commerce identified some 351 projects that are being stymied by the current regulatory review process; 1.9 million jobs are on hold, $1.1 trillion economic impact to this country.

These jobs are not CEOs or jet-setters. These jobs are miners. They're machinists. They're blue collar workers. I know because I've watched this happen in my community where 200 jobs were lost because, after 7 years and 14 Federal, State, and local agencies went through a permitting process, a company then, 1 month later, was shut down in their project because some environmental group went to a very lenient judge and shut them down, moms and dads wondering where their mortgage payment and supper would come from. They wondered why an environmental activist group—that I can tell you does not represent the interest of my district—could put them out of work.

Make no mistake, Mr. Chairman, these projects are halted because businesses that will invest billions in a project cannot do so without some idea of certainty.

Some say this legislation will allow corporations to harm our clean air and clean water. I say to that: Nonsense. This part of my legislation merely says that all parties, from environmental groups to government agencies, must be at the table sharing concerns and offering remedies from the start. It says that the process has a time limit and that government must meet those time limits. It says that, if you don't get in at the beginning, you can't come in after years of hard work and remediation and use a sympathetic judge to shut it down.

This is not an academic exercise either. This same process was used in 2005 when the House voted 412–8 to impose the SAFETEA-LU program, which provided the same detailed streamlining procedures that have now reduced the permitting process under NEPA in transportation highway construction from 73 months to 37 months.

Mr. Chairman, the process is broken. This legislation presents solutions that are eminently sensible and immediately effective. For these reasons, I urge my colleagues to support this bill and give millions of our fellow citizens a hope for a better future.

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

I'd just like the distinguished gentleman from Florida (Mr. ROSS) to know that later on I'm going to introduce over 60 outstanding leaders, economists, and organizational heads that take a completely different view from the distinguished gentleman from Florida, and I'd like him to examine those documents.

I am pleased to yield such time as he may consume to the former chairman of the Education and Labor Committee from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, the bill before us today is nothing more than a cynical attempt to put the profits of well-connected special interests above the interests of working families and middle class Americans. But this is nothing new. In this House, ideology prevails over bipartisanship, the powerful over the middle class families, politics over job creation, and brinksmanship over cooperation.

Congress has paid the price in its approval ratings, but low approval ratings do not compare to the damage that this sort of politics inflicts upon the American people and our economy. Indeed, our Nation's working families are paying the price.

There was a chance for the House to put working people first by allowing the full debate and vote on a number of amendments filed by Democrats that would have put people first. Unfortunately, the House Republican leadership blocked many of these amendments from being considered for this legislation.

One amendment would have ensured that ''Buy America'' provisions could be implemented. Another amendment would have facilitated job protection and family leave for military families.

□ 1650

Another would have insured that Federal contractors recruit and employ veterans.

Another amendment would have allowed health and safety officials to continue their efforts to better protect the Nation's miners from black lung disease. The facts are indisputable. Black lung is on the rise again, and some mine operators are exploiting loopholes and obsolete rules to evade compliance. The present system is badly broken, and the improvements are desperately needed.

It's time to move forward with modern protections based upon years of careful scientific study. Blocking efforts by the Mine Safety and Health Administration to modernize miner protections will only cost the lives, careers, and family income of those who go underground every day to provide the energy that this country needs.

Mr. Chairman, this bill puts the lives and the well-being of working people in serious peril. It threatens the effort to protect American jobs. It's not what the American people sent us here to do.

It is well past time to put these transparently political efforts behind us and work together to re-energize the economy, to grow and to strengthen the middle class. And I urge my colleagues to vote against this very special interest bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. QUAYLE), a member of the Judiciary Committee and the sponsor of the Sunshine for Regulatory Decrees and Settlements Act, which is a part of this legislation.

Mr. QUAYLE. Mr. Chairman, I rise in support of the Red Tape Reduction and Small Business Jobs Creation Act.

Now, time and time again, when I talk to small business owners in my district, they say that the number one challenge holding them back from expanding their business and hiring more workers is uncertainty in regulation and taxation.

The current pro-regulatory administration has issued nearly four times the number of regulations as the previous administration. The administration's own numbers show that U.S.

businesses spent over 8.8 billion hours complying with Federal paperwork requirements. To put this into perspective, this is equal to 1 million years of filling out government paperwork.

Mr. Chairman, one of these costly regulations that the EPA is currently imposing is the Regional Haze Rule that could close down power plants across the country, all for aesthetics. This regulation affects the Navajo generating station in Arizona, which could cost $1.1 billion in initial compliance costs, hundreds of Arizona jobs, and cost $90 million a year, increasing the cost of electricity and water across the State of Arizona.

And what does $90 million a year get us?

Well, according to the administration's own study, they found inconclusive evidence that these regulations would improve visibility at all.

Across the country, pro-regulatory environment groups are suing the EPA and forcing these haze requirements through settlement and consent decrees. In my home State of Arizona, the EPA entered into a consent decree with nine environmental groups, including the Sierra Club and the Environmental Defense Fund, which will affect the emission control technology at coal-fired power plants throughout the State.

Regulations have costly and job-killing implications, and it is important that the rulemaking process is not written behind closed doors by activist groups and regulatory agencies.

I am pleased that a bill that I have sponsored is included in this package, H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act. This legislation provides transparency to these sue-and-settle agreements and consent decrees, which are used by activist groups to dictate regulations behind closed doors, and often contrary to congressional intent, if an agency misses a statutory deadline.

My bill ensures that interested parties will have an opportunity to provide comments and requires courts to consider the impact on States and tribes. Additionally, my bill makes it easier for future administrations to modify consent decrees as circumstances and facts dictate.

This legislation is increasingly necessary as more statutory deadlines slip due to the large number of rulemakings that were mandated during the previous Congress, notably in ObamaCare and Dodd-Frank.

I urge my colleagues to support this pro-growth bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee.

Ms. VELÁZQUEZ. I thank the ranking member for yielding.

I rise in opposition to this ill-conceived measure which will do nothing to promote small business growth. Small businesses everywhere need help. They require affordable credit and greater demand for their services. Yet today we are focused on legislation that does nothing to address these challenges and, instead, pushes an extreme agenda.

Despite what some assert, regulation is not among entrepreneurs' top concerns. In fact, surveys note that 85 percent of small business owners believe regulation is necessary. And I have with me a survey that was conducted last February by the American Sustainable Business Council, and I will enter this survey into the RECORD.

OPINION POLLING: THE ECONOMIC STATE OF SMALL BUSINESS

[Feb. 2012]

(By the American Sustainable Business Council, Main Street Alliance, and Small Business Majority)

SUMMARY

In January and February 2012, the American Sustainable Business Council, Main Street Alliance and Small Business Majority released polling that asked small employers across the country about key issues impacting the small business community. These included access to credit; proposals in the American Jobs Act to boost the economy; regulations; taxes; and money in politics. Respondents were politically diverse: 50% identified as Republican, 32% as Democrat and 15% as independent.

The poll found nine in 10 small business owners have a negative view of the role money plays in politics. The results showed 90% of small business owners see the availability of credit as a problem for small business and they strongly favor increasing the lending authority of community banks and credit unions. We also learned that entrepreneurs support current proposals being debated in Congress that aim to boost the economy and create jobs, particularly investments in infrastructure.

The polling revealed that consumer demand—not regulation—is small business owners' greatest concern. In fact, 86% see regulation as a necessary part of a modern economy and three-quarters believe it is necessary to level the playing field between small and large businesses. Lastly, 90% of small business owners believe large corporations use loopholes to avoid taxes that small businesses have to pay, and three-quarters say their own business suffers because of it.

Below are the extended main findings of the poll.

METHODOLOGY

The poll reflects an Internet survey of 500 small business owners across the country, conducted by Lake Research. It has a margin of error of +/−4.4%. The survey was conducted between December 8, 2011 and January 4, 2012. Researchers used a random sample of small business owners obtained from Harris Interactive, with additional samples from InfoUSA.

MONEY IN POLITICS

Polling results that revealed small business owners' attitudes toward money in politics and the Citizens United decision were released on Jan. 18.

Small business owners view the Citizens United decision as bad for small business: 66% of those surveyed said the two-year-old ruling that gives corporations unlimited spending power in elections is bad for small businesses. Only 9% said it was good for small business.

Small business owners have a negative view of the role money plays in politics overall: 88% of respondents view the role money plays in politics negatively; 68% view it very negatively.

ACCESS TO CREDIT AND PROPOSALS TO BOOST THE ECONOMY

Poll results that revealed small business owners' attitudes toward credit availability were released on Jan. 26, 2012 in conjunction with results showing their views on proposals in the American Jobs Act.

Small business owners say access to credit is a problem: 90% of respondents agree the availability of small business loans is a problem, and 60% have faced difficulty themselves when trying to obtain loans that would grow their businesses.

Small business owners agree it is harder now to obtain loans: 61% of respondents say it is harder now than it was four years ago to get a loan.

Small business owners support making it easier for community banks and credit unions to lend more: 90% of owners support making it easier for community banks and credit unions to lend to small businesses, and more than three-quarters, or 77%, support creating incentives for community banks to lend more. By more than a 2:1 ratio, respondents support increasing credit unions' lending cap from 12.25% to 27.5% of a credit union's assets.

Support for reforming and regulating credit cards is extremely high among small business owners: 82% support tighter credit card regulations, such as clearer disclosure of terms and caps on interest rates, including 47% who strongly support these regulations; 52% of entrepreneurs have used credit cards to help finance their own business.

Respondents favor reducing collateral requirements: 60% of small business owners support reducing collateral requirements so loans can become more accessible.

The housing and mortgage crisis has harmed consumer demand for small businesses: Almost three-quarters of small business owners, or 73%, feel their business has been hurt by a drop in consumer demand stemming from the housing and mortgage meltdown.

Small business owners believe reducing the principal on underwater mortgages will boost spending: 57% of respondents agree reducing the principal on underwater mortgages to the current market value would boost consumer spending, helping small businesses regain their vigor through increased profits.

Small business owners strongly support investment in infrastructure: 69% favor investing $50 billion in infrastructure projects that would create jobs.

Entrepreneurs favor creating a nationwide wireless network: 59% of those surveyed are in support of creating this kind of network and expanding access to high-speed wireless services.

REGULATIONS

Polling results that revealed small business owners' attitudes toward government regulations were released on Feb. 1, 2012.

Weak demand is small business owners' biggest problem: 34% of respondents said weak demand is their biggest problem, while 15% cited the cost of health coverage and other benefits. Only 14% said it is the level of government regulation. The level of taxes came in fourth place with 12% and competition with larger companies garnered 10%.

Small business owners believe eliminating incentives to move jobs overseas would do the most to create jobs: 24% of small business owners said eliminating incentives for employers to move jobs overseas would do the most to create jobs, and 14% called for tax cuts. Thirteen percent of respondents said increasing consumer purchasing would be the biggest job creator and 12% believe

jobs lie in improving infrastructure like roads and bridges. Only 10% of respondents said reducing regulation would do the most to create jobs.

Small business owners see regulations as a necessary part of a modern economy and believe they can live with them if they're fair and reasonable: 86% of small business owners agree some regulation of business is necessary for a modern economy, and 93% of them agree their business can live with some regulation if it is fair, manageable and reasonable.

Small businesses believe some regulations are needed to level the playing field with big business and that enforcement should be just as tough on large corporations as it is on small businesses: 78% of respondents said some regulations are important to protect small businesses from unfair competition and to level the playing field with big businesses. Additionally, 95% believe the enforcement of regulations should be at least as tough on large corporations as it is on small businesses. Another 76% of respondents believe regulations on the books should be enforced.

Respondents feel strongly that specific regulations play an important role: 78% believe policies are needed to hold health insurance companies accountable so they don't increase insurance rates by excessive amounts; 84% support policies that ensure food safety for businesses and customers that buy or sell food products and 80% support disclosure and regulation of toxic materials.

Small business owners support clean energy policies: 79% of small business owners support having clean air and water in their community in order to keep their family, employees and customers healthy, and 61% support standards that move the country towards energy efficiency and clean energy.

Small business owners believe in streamlining the process for regulatory compliance and documentation: 73% of respondents believe we should allow for one-stop electronic filing of government paperwork.

TAXES

Polling results that revealed small business owners' attitudes toward taxes were released on Feb. 6.

Small business owners overwhelmingly believe big corporations use loopholes to avoid taxes that small businesses have to pay: a sweeping 90% believe this to be true; 92% say big corporations' use of such loopholes is a problem.

Nine out of 10 small business owners say U.S. multinational corporations using accounting loopholes to shift their U.S. profits to offshore subsidiaries to avoid taxes is a problem: 91% of respondents agreed it is a problem, with 55% saying it is a very serious problem.

Majority of small business owners say their business is harmed when big corporations use loopholes to avoid taxes: Three-quarters of respondents agree that their small business is harmed when loopholes allow big corporations to avoid taxes. More than one-third say it harms their business a lot.

Small business owners say big corporations are not paying their fair share of taxes: 67% believe big corporations pay less than their fair share of taxes. An even bigger majority, 73%, says multinational corporations pay less than their fair share.

Small business owners say households making more than $1 million a year pay less than their fair share in taxes: 58% of owners say households whose annual income exceeds $1 million pay less than their fair share.

Small business owners support a higher tax rate for individuals earning more than $1 million a year: 57% of respondents agree that individuals earning more than $1 million a year should pay a higher tax rate on the income over $1 million. Only one small business owner out of 500 polled reported their annual household income to be more than $1 million.

Four out of five small business owners disapprove of the ''carried interest'' loophole that gives hedge fund managers a big break on their taxes: 81% of small business owners favor hedge fund managers paying taxes at the ordinary income tax rate, with a top bracket rate currently set at 35%, rather than the 15% capital gains rate—with 61% strongly supporting this change.

A majority of small business owners believe Congress should let tax cuts expire on taxable household income exceeding $250,000 a year: 51% of respondents believe Congress should let tax cuts on taxable household income exceeding $250,000 a year expire (40% said they should be extended).

ABOUT THE ORGANIZATIONS

American Sustainable Business Council

The American Sustainable Business Council is a network of business organizations representing over 100,000 companies and 200,000 business leaders. ASBC advocates for public policies that meet the realities of the 21st century global economy including strategic investments in workforce and infrastructure; standards and safeguards that promote innovation, prevent abuse and protect critical resources; and a new sustainable economic model that fosters a growing, economically-secure middle class. www.asbcouncil.org

Main Street Alliance

The Main Street Alliance is a national network of small business coalitions. MSA creates opportunities for small business owners to speak for themselves to advance public policies that benefit business owners, their employees, and the communities they serve. Making health reform work for small businesses is a top priority of the MSA network and its state coalitions. www.Mainstreetalliance.org

Small Business Majority

Small Business Majority is a national nonpartisan small business advocacy organization, founded and run by small business owners, and focused on solving the biggest problems facing America's 28 million small businesses. We conduct extensive opinion and economic research and work with small business owners, policy experts and elected officials nationwide to bring small business voices to the public policy table. www.smallbusinessinajority.org

This survey says that eight out of 10 think regulations have a role to play in leveling the playing field between small businesses and larger competitors that seek an unfair advantage.

Even surveys by the U.S. Chamber of Commerce and the National Federation of Independent Businesses, who, themselves are vehemently against regulation, they find that small businesses rank economic uncertainty and poor sales, respectively, as the most important concerns, not regulation.

There are a number of proposals that this House could pass to generate demand for small company services and empower them to hire. Tax credits for new employees, expanding payroll tax cuts, and extending tax cuts for working families all come to mind.

Let's reject this legislation and move on to a real small business jobs act.

Mr. SMITH of Texas. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader.

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Chairman, I rise in support of legislation before us that will cut red tape and spur small business job creation. Small businesses create the majority of new jobs in this country; but over the last 3 years, there's been a 23 percent decline in new business startups.

The President says he wants to help grow small businesses; but, frankly, his actions have not matched his rhetoric. Recently, the President attacked hard-earned success, telling small businessmen and -women and entrepreneurs that if you've got a business, you didn't build it. Well, it's pretty clear that the President doesn't get it.

Since the President took office, his administration has had under review more than 400 regulations that cost the economy $100 million; and small businesses are facing annual regulatory costs that add up to $10,000 per employee.

If you're a small business owner, this is just part of the maze of the regulatory red tape you're facing today. And where do we get the information for this chart? From President Obama's administration's own Web sites at SBA and the IRS.

The president of a trucking company in Ashland, Virginia, in my district, says that constant regulatory changes by the EPA have caused the prices for his operation to go up. These rising costs have, frankly, made it more difficult for him to plan for the future, difficult for him to operate in the present and, frankly, have just made it plain too hard.

We are voting today on cuts to red tape so we can empower small business owners like the one in Ashland to start growing again. Our legislation freezes costly new regulations until national unemployment drops to 6 percent or lower.

Further, we give small businesses the ability to intervene before government agencies agree to legal settlements that result in more onerous regulation.

□ 1700

The bill also increases the transparency for Federal agencies that have been operating outside the purview of regulatory review, such as the Obama administration's National Labor Relations Board.

Mr. Chairman, we know that, just this year, thousands of pages of red tape have been published, imposing billions in new compliance costs on businesses. Under this bill, we will require all agencies to perform the thorough cost-benefit analyses of proposed regulations. In other words, agencies must finally ask the question of whether and how their proposed actions will affect job creation and our economy. Federal regulation must become smarter and less harmful to our economy.

Mr. Chairman, we know small businesses are built because of the men and

women who take risks, work hard, and invest capital in new ideas. Because it's just too hard for these small business owners to operate, we've brought this bill forward, and that is why I urge my colleagues to support the passage of this legislation.

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

I would like to just remark on the words of the distinguished speaker on the Republican side by saying that another Republican has a completely different point of view, who was the former chairman of the House Committee on Science, and was so for over 5 years. He is Sherwood Boehlert, and many of us remember him fondly.

He says that it would be ''difficult to exaggerate the sweep and destructiveness of the House bill.'' He is referring to H.R. 4078.

The legislation might as well just directly order the agencies that were created to protect the public to close up shop.

Then he goes on to say:

There is no indication that this bill would aid job growth. Indeed, by blocking rules needed to make the economy run more smoothly, the bill could harm our economic prospects for years to come.

So I present to you a point of view of the Republican leader of the House of Representatives, a distinguished Republican and former chairman of the Committee on Science in 2001 and 2006.

I now yield such time as she may desire to the gentlelady from California (Ms. ESHOO).

Ms. ESHOO. To the distinguished ranking member and my good friend, thank you for yielding time to me.

Mr. Chairman, I am very troubled about this bill. Instead of considering legislation that would create jobs and stimulate economic growth, the House is going to take up and vote on a bill that does the exact opposite. In fact, it has the enormous potential of delaying the implementation of new spectrum and public safety law.

Now, I don't know if you vetted your own effort, so to speak, but it was not all that long ago—it was earlier this year—that Congress passed and the President signed into law landmark legislation that implements a key recommendation of the 9/11 Commission. The legislation also made more spectrum available for mobile broadband services. This was the last recommendation that the 9/11 Commission had made.

Congress finally made good on that recommendation, which was to establish a nationwide interoperable public safety network. Why? Because on that fateful day in New York, when police and fire went into those Twin Towers, their communications systems did not allow them to communicate with each other, to talk to each other. We finally, on a bipartisan basis, resolved that.

Also, at the time of the passage of that legislation, Mr. Chairman, we all praised it. We described the billions of dollars in new investment as well as the hundreds of thousands of jobs that would be created as a result of the legislation, calling it an economic game changer.

The nonpartisan Congressional Budget Office's analysis of the bill that you dragged to the floor today, H.R. 4078, which is what we are considering, suggests that this legislation could delay this critical investment and the job creation that comes with it.

My rhetorical question to the majority is: Do you even know what you're doing? I don't think the left hand knows what the right hand is doing.

Now, I offered an amendment at the Rules Committee, which was not made in order, that would have exempted the legislation I'm referring to: that any agency rulemaking that creates jobs or protects public safety, including the provisions of the Middle Class Tax Relief and Job Creation Act of 2012 that pay for the creation of a nationwide public safety broadband network through voluntary spectrum incentive auctions, be exempt. That was not made in order.

So all I can do is come to the floor and use the voice that my constituents have entrusted to me to stand up for things that really make sense for our country, bipartisan legislation, which your legislation today really screws up—in plain English. With the auction of this prime spectrum expected to raise over $25 billion, the passage of this legislation, H.R. 4078, will not only delay access to this critical revenue, but on top of that, you've brought to the floor really bad policy.

That's why I urge my colleagues to vote ''no'' on the final passage of this legislation, because it messes up the good work that we were able to bring forward with, really, I think, a political advertising message. This is not serious legislation. What is serious about it is the damage that it will do to legislation that, on a bipartisan basis, we worked so hard on to make law. This essentially comes behind it as the wrecking crew.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. AMODEI), who is a member of the Judiciary Committee.

Mr. AMODEI. Thank you, Mr. Chairman, for the time.

I find it interesting that we are sitting here having a discussion about regulations in this context. I believe that it is the regulations that are the by-product of this process that we engage in here. It's called ''legislation.''

The regulatory process is not the fourth branch of government that has no accountability to anyone and that can basically do whatever the heck it darn well pleases. The agencies that we are talking about here today, none of which exist in the Constitution, were created by this Congress, which means, if we created you, we can darn well talk about the regulations that you provided.

When I hear words like ''ideology,'' ''cynicism,'' ''really bad policy,'' what is the danger in predictability, for instance, in the timing of the regulatory process?

There is nothing in this legislation which changes the substance of agency discretion in how they go about their business. What we are talking about here is the process, the process by which you go to provide some predictability and stability to those people who are trying to talk about investing capital, hiring workers and things like that.

I urge your support. I thank Mr. GRIFFIN and Mr. ROSS for their efforts in this area.

Mr. CONYERS. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. REED), who is a member of the Ways and Means Committee.

Mr. REED. I thank the gentleman, my former chairman on Judiciary, for yielding the time to me.

I rise today in support of H.R. 4078, Mr. Chairman, and I am standing behind 2-weeks' worth of regulatory material produced in the Federal Register, which is the official record keeper of regulations here in Washington, D.C.

□ 1710

This represents the issue that we are talking about, Mr. Chairman. We need to stop sending this regulatory burden to our job creators back in the districts, back on the frontline that are creating the jobs of today and tomorrow.

I believe there is a clear distinction between the two philosophies that are on display this afternoon in this Chamber. The other side is standing up for regulation, standing up for Big Government. I've come here as a firm believer in the private sector and small business America. We will stand for them day in and day out. Mr. Chairman, this pile of material, this pile of regulations is not good for our job creators. We can do better. We must do better for our children and grandchildren.

With that, I ask support for H.R. 4078 and the corresponding long-term fix, the REINS Act, which will go a long way to taking care of this problem in perpetuity.

Mr. CONYERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), who is the vice chairman of the Budget Committee.

Mr. GARRETT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4078, the Regulatory Freeze for Jobs Act. At a time when new regulation after new regulation is being proposed by the Obama administration, it is critical that we restore some semblance of order to the regulatory process and ensure that our Nation's small businesses do not continue down in a sea of red tape.

I thank Congressman GRIFFIN, Chairman SMITH, Chairman ISSA, Leader CANTOR, and the Rules Committee for including the SEC Regulatory Accountability Act as part of title VI of this legislation. This legislation subjects the SEC to the President's executive order. What that does is require enhanced cost-benefit analysis requirements, as well as require a review of existing regulations.

Title VI will enhance the SEC existing cost-benefit analysis requirements by requiring the commission to first clearly identify a problem that would be addressed before issuing any new rules and to require that the cost-benefit analysis be performed by the SEC's chief economist.

While the SEC already has certain cost-benefit requirements relative to rulemaking, recent court decisions have simply vacated or remanded several of these rules and have specifically pointed out deficiencies in the Commission's use of cost-benefit analysis. For example, recently the SEC Inspector General issued a report that expressed several concerns he had about the quality of the SEC's cost-benefit analysis. It found absolutely none of the rulemaking it examined attempted to quantify either benefits or costs, other than information and collection costs. This bill now will ensure that the benefits of any rulemaking outweigh the costs, and that both new and existing regulations are accountable, consistent, written in plain language, and simply easy to understand.

Title VI also will require the SEC to assess the costs and benefits of available regulatory alternatives, including the alternative of simply not regulating, and choose the approach that maximizes the benefits.

Under the bill, the SEC shall also evaluate whether a proposed regulation is inconsistent, whether it is incompatible, or duplicates other Federal regulation, as well. Because some regulations have been politicized in the past, this bill will require that the examinations be done by the Commission's chief economist.

These are really just commonsense reforms and are appropriate, especially given the fact that the Commission continues to struggle with this issue. For instance, the D.C. Court of Appeals, which vacated the Commission's proxy access rule, stated: ''The commission acted arbitrarily and capriciously for having failed once again to adequately assess the economic effects of a new rule'' and also ''inconsistently and opportunistically framed costs and benefits of the rule.''

Mr. Chairman, this bill also includes a new section adopted by the subcommittee to provide a clearer post-implementation assessment of all new regulations so that these post-implementation cost-benefit analyses, in addition to pre-implementation, will be done correctly.

Finally, it's a commonsense approach, and it's a pragmatic approach to a rulemaking process. I support the underlying legislation.

Mr. CONYERS. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Michigan has 5½ minutes, and the gentleman from Texas has 5 minutes remaining.

Mr. CONYERS. At this time, I yield as much time as he may consume to the distinguished gentleman from Atlanta, Georgia, Mr. HANK JOHNSON, a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in opposition to H.R. 4078, the so-called Red Tape Reduction and Small Business Job Creation Act.

This mother of all anti-regulation bills is actually a repackaging of a noxious potpourri of previously introduced bills that would make it virtually impossible for the executive branch and its agencies to protect the American public. This bill would block the issuance of regulations regardless of how vital they are to safeguarding the public's health. They want to eliminate regulations that keep our workers safe and which would rein in the excesses of Wall Street.

Why? So that they can please their crony capitalist brothers, the Koch brothers, and also their crony capitalist friends in the U.S. Chamber of Commerce. They want to keep them happy.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that ensure that we have clean air to breathe and clean water to drink; regulations that protect our children from unsafe products like toys, like clothing and bedding, baby food, regulations that protect seniors from adulterated medicines and unsafe substances that they use.

They essentially want to create so many barriers and obstacles to the promulgation of regulations that it's virtually impossible to do so. They want to keep these Federal agencies from doing their job, which is to protect the health, safety, and well-being of this country.

This isn't red tape reduction, folks. This is a philosophy of putting profits over people. The House is in session for 6 more days prior to our August break. After that, we have maybe about 10 legislative days left before the end of the year. What have we accomplished in this Congress? Bills like this. And we've voted to rescind and repeal ObamaCare over and over again. We're now up to number 34 votes on that.

What do we have pending here? We have the Bush tax cuts, which we all agree that we should keep in place for the middle class; but because we don't agree to extend them for the Koch brothers and the other crony capitalists that this party represents, they're not willing to get that done. They don't want to do the payroll tax cuts, the tax extenders, the AMT patch, unemployment benefits, the doc fix, and sequestration. All of this remains to be wrapped up within the next 10 days or so, plus 6, the next 2 weeks of legislative activity.

So to think that this legislation would be effective in bringing reasonable regulations through this Congress, is absurd.

□ 1720

We should be creating jobs legislatively. We should be helping veterans adjust to civilian life. We should be taking measures to impact the ongoing taking of homes of individuals in foreclosure. There is so much that we should be doing instead of appeasing our crony capitalist friends. So I urge my colleagues to oppose this fundamentally flawed bill.

Mr. SMITH Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL), who is a member of the Rules Committee.

Mr. WOODALL. I thank the chairman for yielding.

I am pleased to come to the floor after my colleague from Georgia. He and I share a common border and we share a lot of common ground, but I have to tell you, Mr. Chairman, he could not be more wrong today. Because this bill does one thing, and it does one thing only, and that is to say that whatever it is that the people's House decides, whatever it is that the people's Congress decides and sends to the executive branch for implementation, that it come right back here at the end, if it's that big. If it's over $100 million, if it's that big, it come right back here so that we confirm that they got it right.

Now, as I listened to my friend's words, Mr. Chairman, I might believe this is something a Republican Congress was doing to a Democratic administration. But I daresay, what is so important about the work the chairman is doing is this isn't about a Republican House and a Democratic administration. This is about good oversight for a Republican House and a Republican administration, and this is about good oversight for a Democratic House and a Democratic administration.

I will say to my friend, Mr. Chairman, he is absolutely right about all the work we have left to get done this year, but the oversight that we do, the oversight is so important. And I would say, Mr. Chairman, I believe my friends on the Democratic side of the aisle fell short in that respect over a Democratic administration, and I am certain that my friends on the Republican side of the aisle fell short on that during a Republican administration.

The chairman is giving us an opportunity to change that, and change that in statute, and I hope that my friend from Georgia is going to join me in that effort.

I would be happy to yield to the gentleman.

Mr. JOHNSON of Georgia. I thank the gentleman.

I really enjoy the fact that we share a common border, and we have worked

together to try to traverse that border and come to a consensus on issues that affect the people of our districts. And I think that's exactly what this Congress should be about but, unfortunately, due to an obstructionist strategy, we've not been successful.

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

The gentleman from Michigan has 45 seconds remaining.

Mr. CONYERS. I yield the 45 seconds to the gentleman from Georgia.

Mr. JOHNSON of Georgia. I thank the gentleman.

Mr. Chairman, there is absolutely no way, with the many regulations that need to be promulgated and put into effect, that we would be able to do that here in Congress instead of letting the stakeholders, the business community, and the regulatory agencies work things out. There's no way that we're going to be able to handle that in Congress.

Mr. WOODALL. Will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Georgia.

Mr. WOODALL. I say to my friend that the children we share across our common border, there is not one regulation that this Congress would send to the executive branch that you and I would not come together and pass for the benefit of those children.

Mr. JOHNSON of Georgia. Reclaiming my time, what about Wall Street regulations? We would not be able to come to an agreement on that.

The Acting CHAIR. All time controlled by the gentleman from Michigan has expired.

The gentleman from Texas has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is a member of the Appropriations Committee.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of this act. This legislation would provide important regulatory reforms, and it couldn't come at a better time for the economy. In particular, I am pleased to support my colleague from Arizona, Congressman QUAYLE's Sunshine for Regulatory Decrees and Settlements Act that is included in this legislation.

In the West, we have seen the EPA adopt what appears to be a contemplated strategy with respect to the implementation of the Clean Air Act regional haze requirements that includes ignoring submitted State plans addressing air quality issues, inviting lawsuits from nongovernmental organizations, and then agreeing to consent decrees that result in Federal intervention.

While this ''sue and settle'' strategy raises a host of issues, in this instance, it tramples on States' prerogatives, and it flies in the face of Congress' explicit intent to let the States lead when it comes to air quality decisions.

In Arizona, for example, EPA has previously flatly ignored the State's plan for dealing with regional haze. They have instead agreed to a consent decree without even consulting ADEQ, the Arizona Department of Environmental Quality, that would result in a federally driven and needlessly costly outcome that will not be beneficial to Arizona's residents. While Arizona has sued to be allowed to intervene and is appealing the consent decree, it is likely this scenario would have been more beneficial to Arizonans had this legislation been in place.

I urge my colleagues to support this legislation and, in doing so, support Congress' intent that the States lead when it comes to air quality planning.

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

Mr. Chairman, job creation is the key to economic recovery. But overregulation kills jobs and burdens small businesses, which are America's main job generators.

The Red Tape Reduction and Small Business Job Creation Act offers many commonsense, bipartisan solutions to the problem of overregulation. Like the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, and the REINS Act, the bill before us today offers more commonsense, bipartisan solutions to protect small businesses from even more wasteful job-killing regulations and red tape.

Mr. Chairman, I urge my colleagues to support this legislation. I look forward to its passage and yield back the balance of my time.

Mr. PALAZZO. Mr. Chair, H.R. 4078 would help to rein in the nontransparent and undemocratic activities of this Administration. There is one agency that personifies runaway regulations: the EPA.

I'd like to highlight a backdoor power grab being pursued by EPA that demonstrates the need for this bill. As a member of the Science Committee, I'm concerned that this Agency is trying to expand its power under the guise of ''sustainability.'' Without any legal authority or input from Congress, EPA has committed to ''incorporate sustainability principles into [their] policies, regulations, and actions,'' has signed MOUs with DOD and the Army on sustainability, and has spent untold taxpayer dollars on UN conferences in Brazil and multiple National Academy of Sciences reports on this topic.

What is sustainability? That's a good question, and apparently it means whatever EPA wants it to mean. For example, one EPA website on this topic lists 16 different definitions of ''sustainability.'' Based on the track record of this Agency and this Administration, I fear that this new policy is designed to expand federal power to enact more billion dollar regulations without the consent of Congress.

This bill will help control arbitrary and cumbersome federal regulations on job creators in my district in south Mississippi.

Mr. TOWNS. Mr. Chair, I rise in strong opposition to H.R. 4078, which would prohibit agencies from issuing significant rules until the unemployment rate falls below 6%.

Similar to many of my colleagues on both sides of the aisle, I support a comprehensive review of federal regulations to make them more effective and efficient. I am, however, strongly opposed to any measure which will prevent the government from exercising its rule making power and in turn jeopardize the health and safety of the American people.

H.R. 4078 is based on the falsehood that regulations kill jobs. The Oversight Committee has held 28 hearings this Congress, touting this absurd theory in spite of an abundance of evidence to the contrary. Regulations have been found to have little overall impact on job creation. In many cases, regulations have had a positive impact on job growth.

To continue to tie regulations to job growth is arbitrary and misleading to the American people. This bill asks the public to choose between saving their lives through the enactment of regulations that will protect their health and safety—and saving a job which may or may not be created because of the regulation.

In other words, people are being asked to choose a job over their very lives. It is wrong to ask anyone to do this. It is worse than wrong—in fact, it is criminal—to ask people to make this choice when my colleagues on the other side of the aisle know that the probability of losing a job because of regulation is just an illusion.

H.R. 4078 puts the interests of business before the interests of people. The Chairman of this Committee sent hundreds of letters to groups representing industry, asking them which regulations they would like to see repealed. Many of the corporations that submitted responses to the Committee have had skyrocketing profits over the past several years, and they are looking to this Congress to put even more profits into their pockets by passage of this bill.

These are the same companies that are cutting jobs and sending American jobs overseas—not because of any regulation, but simply because they want cheaper labor to increase their profit margin. The presence or absence of a regulation will not stop them from outsourcing American jobs.

Mr. Speaker, I refuse to take part in any measure that places profits before people. I refuse to sanction any legislation that requires the government to consult with business interests before a rule reaches the public for debate. Industry has shown that it will always choose a pathway to higher profit regardless of the impact of a measure on the health and well-being of people.

It is not difficult to imagine the destruction H.R. 4078 will bring on important safeguards to the public health and safety if it is passed.

I urge my colleagues to join me in opposing any curtailment of the government's ability to regulate the health and safety of the American People by voting no on H.R. 4078.

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

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Oversight and Government Reform, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–28, modified by the amendment printed in part A of House Report 112–616, is adopted and the bill, as amended, shall be considered as the original bill for

the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 4078

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 ''Red Tape Reduction and Small Business Job Creation Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—REGULATORY FREEZE FOR JOBS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Regulatory Freeze for Jobs Act of 2012''.

SEC. 102. MORATORIUM ON SIGNIFICANT REGULATORY ACTIONS.

(a) MORATORIUM.—An agency may not take any significant regulatory action during the period beginning on the date of the enactment of this Act and ending on the date that the Secretary of Labor submits the report under subsection (b).

(b) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget when the Secretary determines that the Bureau of Labor Statistics average of monthly employment rates for any quarter beginning after the date of the enactment of this Act is equal to or less than 6.0 percent.

SEC. 103. WAIVERS AND EXCEPTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, an agency may take a significant regulatory action only in accordance with subsection (b), (c), or (d) during the period described in section 102(a).

(b) PRESIDENTIAL WAIVER.—An agency may take a significant regulatory action if the President determines by Executive Order that the significant regulatory action is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(c) DEREGULATORY EXCEPTION.—An agency may take a significant regulatory action if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget certifies in writing that the significant regulatory action is limited to repealing an existing rule.

(d) CONGRESSIONAL WAIVERS.—

(1) SUBMISSION.—For any significant regulatory action not eligible for a Presidential waiver pursuant to subsection (b), the President may submit a written request to Congress for a waiver of the application of section 102 for such action.

(2) CONTENTS.—A submission by the President under this subsection shall—

(A) identify the significant regulatory action and the scope of the requested waiver;

(B) describe all the reasons the significant regulatory action is necessary to protect the public health, safety, or welfare; and

(C) include an explanation of why the significant regulatory action is ineligible for a Presidential waiver under subsection (b).

(3) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any submission by the President under this subsection.

SEC. 104. JUDICIAL REVIEW.

(a) REVIEW.—Any party adversely affected or aggrieved by any rule or guidance resulting from a regulatory action taken in violation of this title is entitled to judicial review in accordance with chapter 7 of title 5, United States Code. Any determination by either the President or the Secretary of Labor under this title shall be subject to judicial review under such chapter.

(b) JURISDICTION.—Each court having jurisdiction to review any rule or guidance resulting from a significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this title.

(c) RELIEF.—In granting any relief in any civil action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including remanding the rule or guidance resulting from the significant regulatory action to the agency and enjoining the application or enforcement of that rule or guidance, 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 of the United States.

(d) REASONABLE ATTORNEY'S FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney's fees and costs to a substantially prevailing small business in any civil action arising under this title. A small business may qualify as substantially prevailing even without obtaining a final judgment in its favor if the agency that took the significant regulatory action changes its position after the civil action is filed.

(e) LIMITATION ON COMMENCING CIVIL ACTION.—A party 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.

(f) SMALL BUSINESS DEFINED.—In this section, 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 title is filed.

SEC. 105. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) REGULATORY ACTION.—The term ''regulatory action'' means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including a notice of inquiry, an advance notice of proposed rulemaking, and a notice of proposed rulemaking.

(3) RULE.—The term ''rule'' has the meaning given that term under section 551 of title 5, United States Code.

(4) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action that is likely to result in a rule or guidance that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to have an annual cost to 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.

(5) SMALL ENTITY.—The term ''small entity'' has the meaning given that term under section 601(6) of title 5, United States Code.

TITLE II—MIDNIGHT RULE RELIEF

SEC. 201. SHORT TITLE.

This title may be cited as the ''Midnight Rule Relief Act of 2012''.

SEC. 202. MORATORIUM ON MIDNIGHT RULES.

Except as provided under sections 203 and 204, during the moratorium period, an agency may not propose or finalize any midnight rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to result in an

annual cost to 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.

SEC. 203. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Section 202 shall not apply with respect to any deadline—

(1) for, relating to, or involving any midnight rule;

(2) that was established before the beginning of the moratorium period; and

(3) that is required to be taken during the moratorium period.

(b) PUBLICATION OF DEADLINES.—Not later than 30 days after the beginning of a moratorium period, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 204. EXCEPTION.

(a) EMERGENCY EXCEPTION.—Section 202 shall not apply to a midnight rule if the President determines that the midnight rule is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(b) DEREGULATORY EXCEPTION.—Section 202 shall not apply to a midnight rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certifies in writing is limited to repealing an existing rule.

(c) NOTICE OF EXCEPTIONS.—Not later than 30 days after a determination under subsection (a) or a certification is made under subsection (b), the head of the relevant agency shall publish in the Federal Register any midnight rule excluded from the moratorium period due to an exception under this section.

SEC. 205. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) DEADLINE.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or rule, or by or under any court order implementing any Federal statute, regulation, or rule.

(3) MORATORIUM PERIOD.—The term ''moratorium period'' means the day after the day referred to in section 1 of title 3, United States Code, through January 20 of the following year, in which a President is not serving a consecutive term.

(4) MIDNIGHT RULE.—The term ''midnight rule'' means an agency statement of general applicability and future effect, issued during the moratorium period, that is intended to have the force and effect of law and is designed—

(A) to implement, interpret, or prescribe law or policy; or

(B) to describe the procedure or practice requirements of an agency.

(5) RULE.—The term ''rule'' has the meaning given that term under section 551 of title 5, United States Code.

(6) SMALL ENTITY.—The term ''small entity'' has the meaning given that term under section 601(6) of title 5, United States Code.

TITLE III—REGULATORY DECREES AND SETTLEMENTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Sunshine for Regulatory Decrees and Settlements Act of 2012''.

SEC. 302. CONSENT DECREE AND SETTLEMENT REFORM.

(a) APPLICATION.—The provisions of this section apply in the case of—

(1) a consent decree or settlement agreement in an action to compel agency action alleged to be unlawfully withheld or unreasonably delayed that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities—

(A) brought under chapter 7 of title 5, United States Code; or

(B) brought under any other statute authorizing such an action; and

(2) any other consent decree or settlement agreement that requires agency action that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities.

(b) IN GENERAL.—In the case of an action to be resolved by a consent decree or a settlement agreement described in paragraph (1), the following shall apply:

(1) The complaint in the action, the consent decree or settlement agreement, the statutory basis for the consent decree or settlement agreement and its terms, and any award of attorneys' fees or costs shall be published, including electronically, in a readily accessible manner by the defendant agency.

(2) Until the conclusion of an opportunity for affected parties to intervene in the action, a party may not file with the court a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

(3) In considering a motion to intervene by any party that would be affected by the agency action in dispute, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the current parties to the action. In considering a motion to intervene filed by a State, local or Tribal government entity, the court shall take due account of whether the movant—

(A) administers jointly with the defendant agency the statutory provisions that give rise to the regulatory duty alleged in the complaint; or

(B) administers State, local or Tribal regulatory authority that would be preempted by the defendant agency's discharge of the regulatory duty alleged in the complaint.

(4) If the court grants a motion to intervene in the action, the court shall include the plaintiff, the defendant agency, and the intervenors in settlement discussions. Settlement efforts conducted shall be pursuant to a court's mediation or alternative dispute resolution program, or by a district judge, magistrate judge, or special master, as determined by the assigned judge.

(5) The defendant agency shall publish in the Federal Register and by electronic means any proposed consent decree or settlement agreement for no fewer than 60 days of public comment before filing it with the court, including a statement of the statutory basis for the proposed consent decree or settlement agreement and its terms, allowing comment on any issue related to the matters alleged in the complaint or addressed or affected by the consent decree or settlement agreement.

(6) The defendant agency shall—

(A) respond to public comments received under paragraph (5); and

(B) when moving that the court enter the consent decree or for dismissal pursuant to the settlement agreement—

(i) inform the court of the statutory basis for the proposed consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the public comments and agency responses;

(iii) certify the index to the administrative record of the notice and comment proceeding to the court; and

(iv) make that record fully accessible to the court.

(7) The court shall include in the judicial record the full administrative record, the index to which was certified by the agency under paragraph (6).

(8) If the consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the consent decree or dismissal based on the settlement agreement—

(A) inform the court of any uncompleted mandatory duties to take regulatory action that the decree or agreement does not address;

(B) how the decree or agreement, if approved, would affect the discharge of those duties; and

(C) why the decree's or agreement's effects on the order in which the agency discharges its mandatory duties is in the public interest.

(9) The court shall presume, subject to rebuttal, that it is proper to allow amicus participation by any party who filed public comments on the consent decree or settlement agreement during the court's consideration of a motion to enter the decree or dismiss the case on the basis of the agreement.

(10) The court shall ensure that the proposed consent decree or settlement agreement allows sufficient time and procedure for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rule making and, unless contrary to the public interest, the provisions of any executive orders that govern rule making.

(11) The defendant agency may, at its discretion, hold a public hearing pursuant to notice in the Federal Register and by electronic means, on whether to enter into the consent decree or settlement agreement. If such a hearing is held, then, in accordance with paragraph (6), the agency shall submit to the court a summary of the proceedings and the certified index to the hearing record, full access to the hearing record shall be given to the court, and the full hearing record shall be included in the judicial record.

(12) The Attorney General, in cases litigated by the Department of Justice, or the head of the defendant Federal agency, in cases litigated independently by that agency, shall certify to the court his or her approval of any proposed consent decree or settlement agreement that contains any of the following terms—

(A) in the case of a consent decree, terms that—

(i) convert into mandatory duties the otherwise discretionary authorities of an agency to propose, promulgate, revise or amend regulations;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question, or commit an agency to seek a particular appropriation or budget authorization;

(iii) divest the agency of discretion committed to it by Congress or the Constitution, whether such discretionary power was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(iv) otherwise afford relief that the court could not enter on its own authority upon a final judgment in the litigation; or

(B) in the case of a settlement agreement, terms that—

(i) interfere with the agency's authority to revise, amend, or issue rules through the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or executive order prescribing rule making procedures for rule makings that are the subject of the settlement agreement;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question; or

(iii) provide a remedy for the agency's failure to comply with the terms of the settlement agreement other than the revival of the action resolved by the settlement agreement, if the agreement commits the agency to exercise its discretion in a particular way and such discretionary power was committed to the agency by Congress or the Constitution to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(c) ANNUAL REPORTS.—Each agency shall submit an annual report to Congress on the number, identity, and content of complaints, consent decrees, and settlement agreements described in paragraph (1) for that year, the statutory basis for each consent decree or settlement agreement and its terms, and any awards of attorneys fees or costs in actions resolved by such decrees or agreements.

SEC. 303. MOTIONS TO MODIFY CONSENT DECREES.

When a defendant agency moves the court to modify a previously entered consent decree described under section 302 and the basis of the motion is that the terms of the decree are no longer fully in the public interest due to the agency's obligations to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the consent decree de novo.

SEC. 304. EFFECTIVE DATE.

The provisions of this title apply to any covered consent decree or settlement agreement proposed to a court after the date of enactment of this title.

TITLE IV—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Unfunded Mandates Information and Transparency Act of 2012''.

SEC. 402. PURPOSE.

The purpose of this title is—

(1) to improve the quality of the deliberations of Congress with respect to proposed Federal mandates by—

(A) providing Congress and the public with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and State, local, and tribal governments.

SEC. 403. PROVIDING FOR CONGRESSIONAL BUDGET OFFICE STUDIES ON POLICIES INVOLVING CHANGES IN CONDITIONS OF GRANT AID.

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall conduct an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on State, local, or tribal governments participating in the Federal assistance program concerned or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of an estimated level of funding compared to such costs.''.

SEC. 404. CLARIFYING THE DEFINITION OF DIRECT COSTS TO REFLECT CONGRESSIONAL BUDGET OFFICE PRACTICE.

Section 421(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting ''incur or'' before ''be required''; and

(2) in subparagraph (B), by inserting after ''to spend'' the following: ''or could forgo in profits, including costs passed on to consumers or other entities taking into account, to the extent practicable, behavioral changes,''.

SEC. 405. EXPANDING THE SCOPE OF REPORTING REQUIREMENTS TO INCLUDE REGULATIONS IMPOSED BY INDEPENDENT REGULATORY AGENCIES.

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking '', but does not include independent regulatory agencies'' and inserting '', except it does not include the Board of Governors of the Federal Reserve System or the Federal Open Market Committee''.

SEC. 406. AMENDMENTS TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 103(c) (2 U.S.C. 1511(c))—

(A) in the subsection heading, by striking ''OFFICE OF MANAGEMENT AND BUDGET'' and inserting ''OFFICE OF INFORMATION AND REGULATORY AFFAIRS''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs'';

(2) in section 205(c) (2 U.S.C. 1535(c))—

(A) in the subsection heading, by striking ''OMB''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''; and

(3) in section 206 (2 U.S.C. 1536), by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''.

SEC. 407. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(2) by inserting ''or 424(b)(1)'' after ''section 424(a)(1)''.

SEC. 408. REGULATORY PROCESS AND PRINCIPLES.

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) is amended to read as follows:

''SEC. 201. REGULATORY PROCESS AND PRINCIPLES.

''(a) IN GENERAL.—Each agency shall, unless otherwise expressly prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulatory actions incorporate requirements specifically set forth in law) in accordance with the following principles:

''(1) Each agency shall identify the problem that it intends to address (including, if applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

''(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

''(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

''(4) If an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

''(5) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation, unless expressly prohibited by law, only upon a reasoned determination that the benefits of the intended regulation justify its costs.

''(6) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

''(7) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

''(8) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

''(9) Each agency shall tailor its regulations to minimize the costs of the cumulative impact of regulations.

''(10) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(b) REGULATORY ACTION DEFINED.—In this section, the term 'regulatory action' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking and notices of proposed rulemaking.''.

SEC. 409. EXPANDING THE SCOPE OF STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended to read as follows:

''(a) IN GENERAL.—Unless otherwise expressly prohibited by law, before promulgating any general notice of proposed rulemaking or any final rule, or within six months after promulgating any final rule that was not preceded by a general notice of proposed rulemaking, if the proposed rulemaking or final rule includes a Federal mandate that may result in an annual effect on State, local, or tribal governments, or to the private sector, in the aggregate of $100,000,000 or more in any 1 year, the agency shall prepare a written statement containing the following:

''(1) The text of the draft proposed rulemaking or final rule, together with a reasonably detailed description of the need for the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

''(2) An assessment of the potential costs and benefits of the proposed rulemaking or final rule, including an explanation of the manner in which the proposed rulemaking or final rule is consistent with a statutory requirement and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

''(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias).

''(4) A qualitative and quantitative assessment, including the underlying analysis, of costs anticipated from the proposed rulemaking

or final rule (such as the direct costs both to the Government in administering the final rule and to businesses and others in complying with the final rule, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment);

''(5) Estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

''(A) the future compliance costs of the Federal mandate; and

''(B) any disproportionate budgetary effects of the Federal mandate 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.

''(6)(A) A detailed description of the extent of the agency's prior consultation with the private sector and elected representatives (under section 204) of the affected State, local, and tribal governments.

''(B) A detailed summary of the comments and concerns that were presented by the private sector and State, local, or tribal governments either orally or in writing to the agency.

''(C) A detailed summary of the agency's evaluation of those comments and concerns.

''(7) A detailed summary of how the agency complied with each of the regulatory principles described in section 201.''.

(b) REQUIREMENT FOR DETAILED SUMMARY.—Subsection (b) of section 202 of such Act is amended by inserting ''detailed'' before ''summary''.

SEC. 410. ENHANCED STAKEHOLDER CONSULTATION.

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

*(1) in the section heading, by inserting ''**AND PRIVATE SECTOR**'' before ''**INPUT**'';*

(2) in subsection (a)—

(A) by inserting '', and impacted parties within the private sector (including small business),'' after ''on their behalf)'';

(B) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(3) by amending subsection (c) to read as follows:

''(c) GUIDELINES.—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

''(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process.

''(2) Agencies shall consult with a wide variety of State, local, and tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.

''(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.

''(4) Agencies shall, to the extent practicable—

''(A) seek out the views of State, local, and tribal governments, and impacted parties within the private sector (including small business), on costs, benefits, and risks; and

''(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

''(5) Consultations shall address the cumulative impact of regulations on the affected entities.

''(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.''.

SEC. 411. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

''SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.

''(a) IN GENERAL.—The Administrator of the Office of Information and Regulatory Affairs shall provide meaningful guidance and oversight so that each agency's regulations for which a written statement is required under section 202 are consistent with the principles and requirements of this title, as well as other applicable laws, and do not conflict with the policies or actions of another agency. If the Administrator determines that an agency's regulations for which a written statement is required under section 202 do not comply with such principles and requirements, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall identify areas of non-compliance, notify the agency, and request that the agency comply before the agency finalizes the regulation concerned.

''(b) ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.—The Director of the Office of Information and Regulatory Affairs annually shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, a written report detailing compliance by each agency with the requirements of this title that relate to regulations for which a written statement is required by section 202, including activities undertaken at the request of the Director to improve compliance, during the preceding reporting period. The report shall also contain an appendix detailing compliance by each agency with section 204.''.

SEC. 412. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) by inserting after section 208 the following new section 209:

''SEC. 209. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

''(a) REQUIREMENT.—At the request of the chairman or ranking minority member of a standing or select committee of the House of Representatives or the Senate, an agency shall conduct a retrospective analysis of an existing Federal regulation promulgated by an agency.

''(b) REPORT.—Each agency conducting a retrospective analysis of existing Federal regulations pursuant to subsection (a) shall submit to the chairman of the relevant committee, Congress, and the Comptroller General a report containing, with respect to each Federal regulation covered by the analysis—

''(1) a copy of the Federal regulation;

''(2) the continued need for the Federal regulation;

''(3) the nature of comments or complaints received concerning the Federal regulation from the public since the Federal regulation was promulgated;

''(4) the extent to which the Federal regulation overlaps, duplicates, or conflicts with other Federal regulations, and, to the extent feasible, with State and local governmental rules;

''(5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the Federal regulation;

''(6) a complete analysis of the retrospective direct costs and benefits of the Federal regulation that considers studies done outside the Federal Government (if any) estimating such costs or benefits; and

''(7) any litigation history challenging the Federal regulation.''.

SEC. 413. EXPANSION OF JUDICIAL REVIEW.

Section 401(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1571(a)) is amended—

(1) in paragraphs (1) and (2)(A)—

(A) by striking ''sections 202 and 203(a)(1) and (2)'' each place it appears and inserting ''sections 201, 202, 203(a)(1) and (2), and 205(a) and (b)''; and

(B) by striking ''only'' each place it appears;

(2) in paragraph (2)(B), by striking ''section 202'' and all that follows through the period at the end and inserting the following: ''section 202, prepare the written plan under section 203(a)(1) and (2), or comply with section 205(a) and (b), a court may compel the agency to prepare such written statement, prepare such written plan, or comply with such section.''; and

(3) in paragraph (3), by striking ''written statement or plan is required'' and all that follows through ''shall not'' and inserting the following: ''written statement under section 202, a written plan under section 203(a)(1) and (2), or compliance with sections 201 and 205(a) and (b) is required, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement, or description), to prepare such written plan, or to comply with such section may''.

TITLE V—IMPROVED COORDINATION OF AGENCY ACTIONS ON ENVIRONMENTAL DOCUMENTS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Responsibly And Professionally Invigorating Development Act of 2012'' or as the ''RAPID Act''.

SEC. 502. COORDINATION OF AGENCY ADMINISTRATIVE OPERATIONS FOR EFFICIENT DECISIONMAKING.

(a) IN GENERAL.—Part I of chapter 5 of title 5, United States Code, is amended by inserting after subchapter II the following:

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''§ 560. Coordination of agency administrative operations for efficient decisionmaking

''(a) CONGRESSIONAL DECLARATION OF PURPOSE.—The purpose of this subchapter is to establish a framework and procedures to streamline, increase the efficiency of, and enhance coordination of agency administration of the regulatory review, environmental decisionmaking, and permitting process for projects undertaken, reviewed, or funded by Federal agencies. This subchapter will ensure that agencies administer the regulatory process in a manner that is efficient so that citizens are not burdened with regulatory excuses and time delays.

''(b) DEFINITIONS.—For purposes of this subchapter, the term—

''(1) 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government;

''(2) 'category of projects' means 2 or more projects related by project type, potential environmental impacts, geographic location, or another similar project feature or characteristic;

''(3) 'environmental assessment' means a concise public document for which a Federal agency is responsible that serves to—

''(A) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact;

''(B) aid an agency's compliance with NEPA when no environmental impact statement is necessary; and

''(C) facilitate preparation of an environmental impact statement when one is necessary;

''(4) 'environmental impact statement' means the detailed statement of significant environmental impacts required to be prepared under NEPA;

''(5) 'environmental review' means the Federal agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under NEPA;

''(6) 'environmental decisionmaking process' means the Federal agency procedures for undertaking and completion of any environmental permit, decision, approval, review, or study under any Federal law other than NEPA for a project subject to an environmental review;

''(7) 'environmental document' means an environmental assessment or environmental impact statement, and includes any supplemental document or document prepared pursuant to a court order;

''(8) 'finding of no significant impact' means a document by a Federal agency briefly presenting the reasons why a project, not otherwise subject to a categorical exclusion, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared;

''(9) 'lead agency' means the Federal agency preparing or responsible for preparing the environmental document;

''(10) 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(11) 'project' means major Federal actions that are construction activities undertaken with Federal funds or that are construction activities that require approval by a permit or regulatory decision issued by a Federal agency;

''(12) 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval for a project or is otherwise responsible for undertaking a project; and

''(13) 'record of decision' means a document prepared by a lead agency under NEPA following an environmental impact statement that states the lead agency's decision, identifies the alternatives considered by the agency in reaching its decision and states whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not adopted.

''(c) PREPARATION OF ENVIRONMENTAL DOCUMENTS.—Upon the request of the lead agency, the project sponsor shall be authorized to prepare any document for purposes of an environmental review required in support of any project or approval by the lead agency if the lead agency furnishes oversight in such preparation and independently evaluates such document and the document is approved and adopted by the lead agency prior to taking any action or making any approval based on such document.

''(d) ADOPTION AND USE OF DOCUMENTS.—

''(1) DOCUMENTS PREPARED UNDER NEPA.—

''(A) Not more than 1 environmental impact statement and 1 environmental assessment shall be prepared under NEPA for a project (except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order), and, except as otherwise provided by law, the lead agency shall prepare the environmental impact statement or environmental assessment. After the lead agency issues a record of decision, no Federal agency responsible for making any approval for that project may rely on a document other than the environmental document prepared by the lead agency.

''(B) Upon the request of a project sponsor, a lead agency may adopt, use, or rely upon secondary and cumulative impact analyses included in any environmental document prepared under NEPA for projects in the same geographic area where the secondary and cumulative impact analyses provide information and data that pertains to the NEPA decision for the project under review.

''(2) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

''(A) Upon the request of a project sponsor, a lead agency may adopt a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project, provided that the State laws and procedures under which the document was prepared provide environmental protection and opportunities for public involvement that are substantially equivalent to NEPA.

''(B) An environmental document adopted under subparagraph (A) is deemed to satisfy the lead agency's obligation under NEPA to prepare an environmental impact statement or environmental assessment.

''(C) In the case of a document described in subparagraph (A), during the period after preparation of the document but before its adoption by the lead agency, the lead agency shall prepare and publish a supplement to that document if the lead agency determines that—

''(i) a significant change has been made to the project that is relevant for purposes of environmental review of the project; or

''(ii) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

''(D) If the agency prepares and publishes a supplemental document under subparagraph (C), the lead agency may solicit comments from agencies and the public on the supplemental document for a period of not more than 45 days beginning on the date of the publication of the supplement.

''(E) A lead agency shall issue its record of decision or finding of no significant impact, as appropriate, based upon the document adopted under subparagraph (A), and any supplements thereto.

''(3) CONTEMPORANEOUS PROJECTS.—If the lead agency determines that there is a reasonable likelihood that the project will have similar environmental impacts as a similar project in geographical proximity to the project, and that similar project was subject to environmental review or similar State procedures within the 5 year period immediately preceding the date that the lead agency makes that determination, the lead agency may adopt the environmental document that resulted from that environmental review or similar State procedure. The lead agency may adopt such an environmental document, if it is prepared under State laws and procedures only upon making a favorable determination on such environmental document pursuant to paragraph (2)(A).

''(e) PARTICIPATING AGENCIES.—

''(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection. The lead agency shall provide the invitation or notice of the designation in writing.

''(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is required to adopt the environmental document of the lead agency for a project shall be designated as a participating agency and shall collaborate on the preparation of the environmental document, unless the Federal agency informs the lead agency, in writing, by a time specified by the lead agency in the designation of the Federal agency that the Federal agency—

''(A) has no jurisdiction or authority with respect to the project;

''(B) has no expertise or information relevant to the project; and

''(C) does not intend to submit comments on the project.

''(3) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review for a project, any agencies other than an agency described in paragraph (2) that may have an interest in the project, including, where appropriate, Governors of affected States, and heads of appropriate tribal and local (including county) governments, and shall invite such identified agencies and officials to become participating agencies in the environmental review for the project. The invitation shall set a deadline of 30 days for responses to be submitted, which may only be extended by the lead agency for good cause shown. Any agency that fails to respond prior to the deadline shall be deemed to have declined the invitation.

''(4) EFFECT OF DECLINING PARTICIPATING AGENCY INVITATION.—Any agency that declines a designation or invitation by the lead agency to be a participating agency shall be precluded from submitting comments on any document prepared under NEPA for that project or taking any measures to oppose, based on the environmental review, any permit, license, or approval related to that project.

''(5) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection does not imply that the participating agency—

''(A) supports a proposed project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

''(6) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations, as in effect on January 1, 2011. Designation as a cooperating agency shall have no effect on designation as participating agency. No agency that is not a participating agency may be designated as a cooperating agency.

''(7) CONCURRENT REVIEWS.—Each Federal agency shall—

''(A) carry out obligations of the Federal agency under other applicable law concurrently and in conjunction with the review required under NEPA; and

''(B) in accordance with the rules made by the Council on Environmental Quality pursuant to subsection (n)(1), make and carry out such rules, policies, and procedures as may be reasonably necessary to enable the agency to ensure completion of the environmental review and environmental decisionmaking process in a timely, coordinated, and environmentally responsible manner.

''(8) COMMENTS.—Each participating agency shall limit its comments on a project to areas that are within the authority and expertise of such participating agency. Each participating agency shall identify in such comments the statutory authority of the participating agency pertaining to the subject matter of its comments. The lead agency shall not act upon, respond to or include in any document prepared under NEPA, any comment submitted by a participating agency that concerns matters that are outside of the authority and expertise of the commenting participating agency.

''(f) PROJECT INITIATION REQUEST.—

''(1) NOTICE.—A project sponsor shall provide the Federal agency responsible for undertaking a project with notice of the initiation of the project by providing a description of the proposed project, the general location of the proposed project, and a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Federal agency that the environmental review should be initiated.

''(2) LEAD AGENCY INITIATION.—The agency receiving a project initiation notice under paragraph (1) shall promptly identify the lead agency for the project, and the lead agency shall initiate the environmental review within a period of 45 days after receiving the notice required by paragraph (1) by inviting or designating agencies to become participating agencies, or, where the lead agency determines that no participating agencies are required for the project, by taking such other actions that are reasonable and necessary to initiate the environmental review.

''(g) ALTERNATIVES ANALYSIS.—

''(1) PARTICIPATION.—As early as practicable during the environmental review, but no later than during scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for involvement by cooperating agencies in determining the range of alternatives to be considered for a project.

''(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for

consideration in any document which the lead agency is responsible for preparing for the project, subject to the following limitations:

''(A) NO EVALUATION OF CERTAIN ALTERNATIVES.—No Federal agency shall evaluate any alternative that was identified but not carried forward for detailed evaluation in an environmental document or evaluated and not selected in any environmental document prepared under NEPA for the same project.

''(B) ONLY FEASIBLE ALTERNATIVES EVALUATED.—Where a project is being constructed, managed, funded, or undertaken by a project sponsor that is not a Federal agency, Federal agencies shall only be required to evaluate alternatives that the project sponsor could feasibly undertake, consistent with the purpose of and the need for the project, including alternatives that can be undertaken by the project sponsor and that are technically and economically feasible.

''(3) METHODOLOGIES.—

''(A) IN GENERAL.—The lead agency shall determine, in collaboration with cooperating agencies at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project. The lead agency shall include in the environmental document a description of the methodologies used and how the methodologies were selected.

''(B) NO EVALUATION OF INAPPROPRIATE ALTERNATIVES.—When a lead agency determines that an alternative does not meet the purpose and need for a project, that alternative is not required to be evaluated in detail in an environmental document.

''(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review.

''(5) EMPLOYMENT ANALYSIS.—The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on employment, including potential short-term and long-term employment increases and reductions and shifts in employment.

''(h) COORDINATION AND SCHEDULING.—

''(1) COORDINATION PLAN.—

''(A) IN GENERAL.—The lead agency shall establish and implement a plan for coordinating public and agency participation in and comment on the environmental review for a project or category of projects to facilitate the expeditious resolution of the environmental review.

''(B) SCHEDULE.—

''(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan for a project, after consultation with each participating agency and, where applicable, the project sponsor, a schedule for completion of the environmental review. The schedule shall include deadlines, consistent with subsection (i), for decisions under any other Federal laws (including the issuance or denial of a permit or license) relating to the project that is covered by the schedule.

''(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

''(I) the responsibilities of participating agencies under applicable laws;

''(II) resources available to the participating agencies;

''(III) overall size and complexity of the project;

''(IV) overall schedule for and cost of the project;

''(V) the sensitivity of the natural and historic resources that could be affected by the project; and

''(VI) the extent to which similar projects in geographic proximity were recently subject to environmental review or similar State procedures.

''(iii) COMPLIANCE WITH THE SCHEDULE.—

''(I) All participating agencies shall comply with the time periods established in the schedule or with any modified time periods, where the lead agency modifies the schedule pursuant to subparagraph (D).

''(II) The lead agency shall disregard and shall not respond to or include in any document prepared under NEPA, any comment or information submitted or any finding made by a participating agency that is outside of the time period established in the schedule or modification pursuant to subparagraph (D) for that agency's comment, submission or finding.

''(III) If a participating agency fails to object in writing to a lead agency decision, finding or request for concurrence within the time period established under law or by the lead agency, the agency shall be deemed to have concurred in the decision, finding or request.

''(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

''(D) MODIFICATION.—The lead agency may—

''(i) lengthen a schedule established under subparagraph (B) for good cause; and

''(ii) shorten a schedule only with the concurrence of the cooperating agencies.

''(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

''(i) provided within 15 days of completion or modification of such schedule to all participating agencies and to the project sponsor; and

''(ii) made available to the public.

''(F) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review for any project, the lead agency shall have authority and responsibility to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review for the project.

''(i) DEADLINES.—The following deadlines shall apply to any project subject to review under NEPA and any decision under any Federal law relating to such project (including the issuance or denial of a permit or license or any required finding):

''(1) ENVIRONMENTAL REVIEW DEADLINES.—The lead agency shall complete the environmental review within the following deadlines:

''(A) ENVIRONMENTAL IMPACT STATEMENT PROJECTS.—For projects requiring preparation of an environmental impact statement—

''(i) the lead agency shall issue an environmental impact statement within 2 years after the earlier of the date the lead agency receives the project initiation request or a Notice of Intent to Prepare an Environmental Impact Statement is published in the Federal Register; and

''(ii) in circumstances where the lead agency has prepared an environmental assessment and determined that an environmental impact statement will be required, the lead agency shall issue the environmental impact statement within 2 years after the date of publication of the Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register.

''(B) ENVIRONMENTAL ASSESSMENT PROJECTS.—For projects requiring preparation of an environmental assessment, the lead agency shall issue a finding of no significant impact or publish a Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register within 1 year after the earlier of the date the lead agency receives the project initiation request, makes a decision to prepare an environmental assessment, or sends out participating agency invitations.

''(2) EXTENSIONS.—

''(A) REQUIREMENTS.—The environmental review deadlines may be extended only if—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) LIMITATION.—The environmental review shall not be extended by more than 1 year for a project requiring preparation of an environmental impact statement or by more than 180 days for a project requiring preparation of an environmental assessment.

''(3) ENVIRONMENTAL REVIEW COMMENTS.—

''(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by agencies and the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of no more than 30 days from availability of the materials on which comment is requested, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(4) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Notwithstanding any other provision of law, in any case in which a decision under any other Federal law relating to the undertaking of a project being reviewed under NEPA (including the issuance or denial of a permit or license) is required to be made, the following deadlines shall apply:

''(A) DECISIONS PRIOR TO RECORD OF DECISION OR FINDING OF NO SIGNIFICANT IMPACT.—If a Federal agency is required to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project prior to the record of decision or finding of no significant impact, such Federal agency shall approve or otherwise act not later than the end of a 90 day period beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency publishes a notice of the availability of the final environmental impact statement or issuance of other final environmental documents, or no later than such other date that is otherwise required by law, whichever event occurs first.

''(B) OTHER DECISIONS.—With regard to any approval or other action related to a project by a Federal agency that is not subject to subparagraph (A), each Federal agency shall approve or otherwise act not later than the end of a period of 180 days beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency issues the record of decision or finding of no significant impact, unless a different deadline is established by agreement of the Federal agency, lead agency, and the project sponsor, where applicable, or the deadline is extended by the Federal agency for good cause, provided that such extension shall not extend beyond a period that is 1 year after the lead agency issues the record of decision or finding of no significant impact.

''(C) FAILURE TO ACT.—In the event that any Federal agency fails to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project within the applicable deadline described in subparagraph (A) or (B), the permit, license, or other

similar application shall be deemed approved by such agency and the agency shall take action in accordance with such approval within 30 days of the applicable deadline described in subparagraph (A) or (B).

''(D) FINAL AGENCY ACTION.—Any approval under subparagraph (C) is deemed to be final agency action, and may not be reversed by any agency. In any action under chapter 7 seeking review of such a final agency action, the court may not set aside such agency action by reason of that agency action having occurred under this paragraph.

''(j) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

''(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental, historic, or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) ISSUE RESOLUTION.—

''(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies and the project sponsor, to resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, and the Council on Environmental Quality for further proceedings in accordance with section 204 of NEPA, and shall publish such notification in the Federal Register.

''(k) REPORT TO CONGRESS.—The head of each Federal agency shall report annually to Congress—

''(1) the projects for which the agency initiated preparation of an environmental impact statement or environmental assessment;

''(2) the projects for which the agency issued a record of decision or finding of no significant impact and the length of time it took the agency to complete the environmental review for each such project;

''(3) the filing of any lawsuits against the agency seeking judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA, including the date the complaint was filed, the court in which the complaint was filed, and a summary of the claims for which judicial review was sought; and

''(4) the resolution of any lawsuits against the agency that sought judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA.

''(l) LIMITATIONS ON CLAIMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for an action subject to NEPA shall be barred unless—

''(A) in the case of a claim pertaining to a project for which an environmental review was conducted and an opportunity for comment was provided, the claim is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review, and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

''(B) filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

''(2) NEW INFORMATION.—The preparation of a supplemental environmental impact statement, when required, is deemed a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing the record of decision for such action. Any claim challenging agency action on the basis of information in a supplemental environmental impact statement shall be limited to challenges on the basis of that information.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

''(m) CATEGORIES OF PROJECTS.—The authorities granted under this subchapter may be exercised for an individual project or a category of projects.

''(n) EFFECTIVE DATE.—The requirements of this subchapter shall apply only to environmental reviews and environmental decisionmaking processes initiated after the date of enactment of this subchapter.

''(o) APPLICABILITY.—Except as provided in subsection (p), this subchapter applies, according to the provisions thereof, to all projects for which a Federal agency is required to undertake an environmental review or make a decision under an environmental law for a project for which a Federal agency is undertaking an environmental review.

''(p) SAVINGS CLAUSE.—Nothing in this section shall be construed to supersede, amend, or modify sections 134, 135, 139, 325, 326, and 327 of title 23, United States Code, sections 5303 and 5304 of title 49, United States Code, or subtitle C of title I of division A of the Moving Ahead for Progress in the 21st Century Act and the amendments made by such subtitle (Public Law 112–141).''.

(b) TECHNICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to subchapter II the following:

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''560. Coordination of agency administrative operations for efficient decisionmaking.''.

(c) REGULATIONS.—

(1) COUNCIL ON ENVIRONMENTAL QUALITY.—Not later than 180 days after the date of enactment of this title, the Council on Environmental Quality shall amend the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, and shall by rule designate States with laws and procedures that satisfy the criteria under section 560(d)(2)(A) of title 5, United States Code.

(2) FEDERAL AGENCIES.—Not later than 120 days after the date that the Council on Environmental Quality amends the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, each Federal agency with regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall amend such regulations to implement the provisions of this subchapter.

TITLE VI—SECURITIES AND EXCHANGE COMMISSION REGULATORY ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as the ''SEC Regulatory Accountability Act''.

SEC. 602. CONSIDERATION BY THE SECURITIES AND EXCHANGE COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND CERTAIN OTHER AGENCY ACTIONS.

Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended by adding at the end the following:

''(e) CONSIDERATION OF COSTS AND BENEFITS.—

''(1) IN GENERAL.—Before issuing a regulation under the securities laws, as defined in section 3(a), the Commission shall—

''(A) clearly identify the nature and source of the problem that the proposed regulation is designed to address, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted;

''(B) utilize the Chief Economist to assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the regulation;

''(C) identify and assess available alternatives to the regulation that were considered, including modification of an existing regulation, together with an explanation of why the regulation meets the regulatory objectives more effectively than the alternatives; and

''(D) ensure that any regulation is accessible, consistent, written in plain language, and easy to understand and shall measure, and seek to improve, the actual results of regulatory requirements.

''(2) CONSIDERATIONS AND ACTIONS.—

''(A) REQUIRED ACTIONS.—In deciding whether and how to regulate, the Commission shall assess the costs and benefits of available regulatory alternatives, including the alternative of not regulating, and choose the approach that maximizes net benefits. Specifically, the Commission shall—

''(i) consistent with the requirements of section 3(f) (15 U.S.C. 78c(f)), section 2(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)), section 202(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(c)), and section 2(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(c)), consider whether the rulemaking will promote efficiency, competition, and capital formation;

''(ii) evaluate whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including State and local governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations; and

''(iii) evaluate whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations.

''(B) ADDITIONAL CONSIDERATIONS.—In addition, in making a reasoned determination of the costs and benefits of a potential regulation, the Commission shall, to the extent that each is relevant to the particular proposed regulation, take into consideration the impact of the regulation on—

''(i) investor choice;

''(ii) market liquidity in the securities markets; and

''(iii) small businesses

''(3) EXPLANATION AND COMMENTS.—The Commission shall explain in its final rule the nature of comments that it received, including those from the industry or consumer groups concerning the potential costs or benefits of the proposed rule or proposed rule change, and shall

provide a response to those comments in its final rule, including an explanation of any changes that were made in response to those comments and the reasons that the Commission did not incorporate those industry group concerns related to the potential costs or benefits in the final rule.

''(4) REVIEW OF EXISTING REGULATIONS.—Not later than 1 year after the date of enactment of the SEC Regulatory Accountability Act, and every 5 years thereafter, the Commission shall review its regulations to determine whether any such regulations are outmoded, ineffective, insufficient, or excessively burdensome, and shall modify, streamline, expand, or repeal them in accordance with such review.

''(5) POST-ADOPTION IMPACT ASSESSMENT.—

''(A) IN GENERAL.—Whenever the Commission adopts or amends a regulation designated as a 'major rule' within the meaning of section 804(2) of title 5, United States Code, it shall state, in its adopting release, the following:

''(i) The purposes and intended consequences of the regulation.

''(ii) Appropriate post-implementation quantitative and qualitative metrics to measure the economic impact of the regulation and to measure the extent to which the regulation has accomplished the stated purposes.

''(iii) The assessment plan that will be used, consistent with the requirements of subparagraph (B) and under the supervision of the Chief Economist of the Commission, to assess whether the regulation has achieved the stated purposes.

''(iv) Any unintended or negative consequences that the Commission foresees may result from the regulation.

''(B) REQUIREMENTS OF ASSESSMENT PLAN AND REPORT.—

''(i) REQUIREMENTS OF PLAN.—The assessment plan required under this paragraph shall consider the costs, benefits, and intended and unintended consequences of the regulation. The plan shall specify the data to be collected, the methods for collection and analysis of the data and a date for completion of the assessment.

''(ii) SUBMISSION AND PUBLICATION OF REPORT.—The Chief Economist shall submit the completed assessment report to the Commission no later than 2 years after the publication of the adopting release, unless the Commission, at the request of the Chief Economist, has published at least 90 days before such date a notice in the Federal Register extending the date and providing specific reasons why an extension is necessary. Within 7 days after submission to the Commission of the final assessment report, it shall be published in the Federal Register for notice and comment. Any material modification of the plan, as necessary to assess unforeseen aspects or consequences of the regulation, shall be promptly published in the Federal Register for notice and comment.

''(iii) DATA COLLECTION NOT SUBJECT TO NOTICE AND COMMENT REQUIREMENTS.—If the Commission has published its assessment plan for notice and comment, specifying the data to be collected and method of collection, at least 30 days prior to adoption of a final regulation or amendment, such collection of data shall not be subject to the notice and comment requirements in section 3506(c) of title 44, United States Code (commonly referred to as the Paperwork Reduction Act). Any material modifications of the plan that require collection of data not previously published for notice and comment shall also be exempt from such requirements if the Commission has published notice for comment in the Federal Register of the additional data to be collected, at least 30 days prior to initiation of data collection.

''(iv) FINAL ACTION.—Not later than 180 days after publication of the assessment report in the Federal Register, the Commission shall issue for notice and comment a proposal to amend or rescind the regulation, or publish a notice that the Commission has determined that no action will be taken on the regulation. Such a notice will be deemed a final agency action.

''(6) COVERED REGULATIONS AND OTHER AGENCY ACTIONS.—Solely as used in this subsection, the term 'regulation'—

''(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law; and

''(B) does not include—

''(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

''(ii) a regulation that is limited to agency organization, management, or personnel matters;

''(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision; and

''(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register.''.

SEC. 603. SENSE OF CONGRESS RELATING TO OTHER REGULATORY ENTITIES

It is the sense of the Congress that other regulatory entities, including the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) should also follow the requirements of section 23(e) of such Act, as added by this title.

TITLE VII—CONSIDERATION BY COMMODITY FUTURES TRADING COMMISSION OF CERTAIN COSTS AND BENEFITS

SEC. 701. CONSIDERATION BY THE COMMODITY FUTURES TRADING COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND ORDERS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission, through the Office of the Chief Economist, shall assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the intended regulation (recognizing that some benefits and costs are difficult to quantify). It must measure, and seek to improve, the actual results of regulatory requirements.

''(2) CONSIDERATIONS.—In making a reasoned determination of the costs and the benefits, the Commission shall evaluate—

''(A) considerations of protection of market participants and the public;

''(B) considerations of the efficiency, competitiveness, and financial integrity of futures and swaps markets;

''(C) considerations of the impact on market liquidity in the futures and swaps markets;

''(D) considerations of price discovery;

''(E) considerations of sound risk management practices;

''(F) available alternatives to direct regulation;

''(G) the degree and nature of the risks posed by various activities within the scope of its jurisdiction;

''(H) whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations;

''(I) whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations;

''(J) whether, in choosing among alternative regulatory approaches, those approaches maximize net benefits (including potential economic, environmental, and other benefits, distributive impacts, and equity); and

''(K) other public interest considerations.''.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 112–616. Each such further amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–616.

Mr. HASTINGS of Florida. 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 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS ENSURING SAFE DRINKING WATER.—The moratorium in section 102(a) shall not apply to any significant regulatory action that is intended to ensure that drinking water is safe to drink.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) SAFE DRINKING WATER EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to ensure that drinking water is safe to drink.

Page 20, insert after line 12 the following:

SEC. 305. EXCEPTION FOR SAFE DRINKING WATER.

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to ensure that drinking water is safe to drink.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I am pleased to introduce this amendment to help ensure clean drinking water. This measure amends H.R. 4078, the Regulatory Freeze for Jobs Act, by exempting from the moratorium regulations that ensure drinking water is safe.

Safe drinking water is essential to public health. There is a long and terrible history of polluters dumping all matter of toxins into rivers, streams, and other sources of drinking water. Aside from the environmental destruction, it costs an enormous amount to effectively clean such sources once they have been polluted. It costs even more to provide the necessary medical care for persons made sick by exposure to polluted water.

We cannot afford to weaken or delay critical agency actions designed to ensure the continued enforcement and regulation of clean water rules.

□ 1730

This is not about creating jobs. Polluting water doesn't create more jobs, but it does negatively impact public health. We must remain vigilant in protecting our water supplies, and I urge my colleagues to vote in favor of this amendment.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. I oppose this amendment because it is unnecessary and weakens the important reforms made by the bill. This administration has been issuing a torrent of the most expensive regulations, each of which cost the economy over $100 million. According to a study by The Heritage Foundation, President Obama already has adopted 106 regulations that add $46 billion in annual regulatory costs to the private sector, and nearly $11 billion in one-time implementation cost.

By contrast, in his first 3 years in office, President Bush adopted 28 major regulations costing the private sector $8 billion annually.

The bill is designed only to prevent unnecessary regulations. Titles I and II have reasonable exceptions for the President to allow regulations necessary because of an ''imminent threat to health or safety or other emergency.'' And the congressional waiver provision of title I allows the President to authorize regulations during the moratorium period with the permission of Congress. Regulations that the President wants enacted simply have to go through Congress. Balance of power.

Title III prevents agencies from using litigation with special interest groups to force more regulations on the economy without sufficient transparency, public participation, and judicial scrutiny. For too long, agencies have used consent decrees and settlement agreements as cover to promulgate regulations with less time for review of cost and benefits, alternatives, and public comment. This is yet another way that agencies impose unnecessary and ill-considered regulations on the public. It should be stopped.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of my time in light of the fact that I don't think anyone else is going to speak on this amendment.

I clearly understand my colleague's position as set forth. One thing I cannot abide and offer by way of constructive criticism is the fact that all over this Nation too often we find that polluters cause our streams, rivers, and waters to be damaged. I'm a fifth-generation Floridian, and I heard the gentleman in the Rules Committee and on the floor today speaking pridefully, and rightfully, about his children. I've seen the damage in Florida, and I have seen much of the damage that has been done around the Nation. While it is true that the legislation as offered would allow for the President to come to Congress for approval, by the time Congress gets through doing anything, the pollution that we are trying to avoid may very well have overtaken us.

We have a very fragile ecosystem in our country and, as it pertains to water, it would just be absurd for us not to be able to address it immediately.

I'm pleased to yield such time as he will consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the author of this amendment because it highlights the dangers of this bill. And surely if there is anything that we prioritize in our whole ecosystem is the value and importance of clean water over profits, and I am astounded that anyone would oppose the amendment, frankly.

Mr. HASTINGS of Florida. With that, Mr. Chairman, I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I yield myself such time as I may consume.

I would just like to make it clear, again, that any regulations that are needed, that the gentleman from Florida feels are needed, that the President feels are needed, those can be enacted under this law. It simply requires Congress to play a role. I have no doubt that the President opposes this bill. I understand that he doesn't want to share his regulatory power with this body. I'm sure a lot of Presidents might feel that way. But it is all about separation of powers and sharing power and allowing this body to have a say.

I yield back the balance of my time.

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

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

Mr. HASTINGS of Florida. 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 Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–616.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise as the designee of Congressman CONYERS on this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO PRIVACY.—An agency may take a significant regulatory action if the significant regulatory action pertains to privacy.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PRIVACY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule pertains to privacy.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action pertaining to privacy.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, my amendment would amend the bill's definition of ''significant regulatory action'' to exclude any regulation or guidance that is intended to protect the privacy of Americans.

With the increasing opportunities for governmental and private organizations to obtain, maintain, and disseminate sensitive, private information on citizens, it is critical that we not prevent or delay the implementation of government regulations designed to protect the privacy of this information for several reasons.

First, the government routinely collects almost every type of personal information about individuals and stores it in its databases. It may maintain this information for stated periods of time or permanently, and the government may share it with State agencies under certain circumstances.

The concern, Mr. Chairman, is that such information has itself become a commodity with financial value, subject to abuse by those who seek to sell it for financial gain or for criminal purposes, such as identity theft.

Unfortunately, several Federal agencies, such as the Veterans Administration, have lost the personal information of millions of Americans. For example, in 2006, the personal information for more than 26 million veterans and 2.2 million current military servicemembers was stolen from a Department of Veterans Affairs employee's home after he had taken the data home without authorization.

Second, thanks to the largely unfettered use of Social Security numbers and the availability of other personally identifiable information through technological advances, data security breaches appear to be occurring with greater frequency, in government and the private sector. In both of those arenas, we see these data breaches occurring. In turn, identity theft has swiftly evolved into one of the most prolific crimes in the United States. Unregulated, those who have it would seek to sell it and abuse it. And there are businesses which exist for the purpose of collecting as much personal information as possible about individuals so

that they can put together profiles that they can then sell.

Finally, the protection of Americans' privacy is not a Democratic or Republican issue. Indeed, it is one of the few that those on opposite ends of the political spectrum have long embraced.

□ 1740

Who can dispute the need to protect the privacy of patients' health information? The Department of Health and Human Services has been tasked by Congress to implement new regulations to give patients more control over their own health records. In addition, HHS is proposing new rules to protect Americans from discrimination based on their genetic information. Yet, H.R. 4078 would stop these regulations from going into effect because the bill has only limited exceptions that would be generally inapplicable to privacy protection regulations.

Likewise, the bill's waiver provisions are generally unworkable. My amendment corrects this shortcoming by including in the bill an exception for regulations that protect the privacy of Americans.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. I yield 2 minutes to the gentlewoman from California (Mrs. BONO MACK).

Mrs. BONO MACK. I thank the gentleman for yielding.

I rise in strong opposition to this amendment offered relating to privacy regulations, midnight privacy rules, and consent decrees. At a time when many of us are fighting attempts by the United Nations to regulate the Internet, lo and behold, some in Congress would have us do the exact opposite. The Conyers amendment would open the door for new, burdensome, and potentially job-killing regulations on the Internet. We don't need the United States stifling Internet freedom any more than Russia, China, or India.

As chairman of the subcommittee with primary jurisdiction over this issue, I've convened multiple hearings on online privacy and had countless conversations with stakeholders. And there is one thing that absolutely everyone agrees on: don't mess up a great thing.

E-commerce continues to flourish, creating jobs for millions of Americans and providing a tremendous boost to an otherwise stagnant economy. This amendment could put all of that success in jeopardy, stifling future innovation and growth.

I'd like to remind my colleagues that an agency could still promulgate rules on privacy so long as they are not considered ''significant'' as defined in the bill. But what we don't need is a system where dueling bureaucrats, the FTC and the FCC, impose conflicting and confusing rules for consumers.

While the amendment sounds as if it is narrowly tailored to exempt privacy regulations from the interim prohibitions on new regulations and midnight rules, the term ''privacy'' is nonetheless undefined. That's the very definition of ''loophole'' and opens the back door to government intervention and regulation.

Soon, the House will consider my legislation telling the United Nations, Russia, China and others to keep their hands off the Internet. Today, let's tell the United States that very same thing.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment is not designed to pave the way for any specific regulation. It is intended generally to prevent the delay in issuing regulations that will protect the privacy of our citizens. Privacy considerations should be at the forefront of our concerns, not treated as secondary inconvenience. Whether or not a specific issue is one ripe for regulation is properly considered as part of the regulatory process, which carefully considers all interests.

To delay privacy regulations, as this bill would do, is to short-circuit the appropriately careful issuance of regulations needed to keep the personal behavior and personal information of our citizens safe from unwanted surveillance or exploitation.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. GRIFFIN of Arkansas. I oppose this amendment, Mr. Chairman, because it is unnecessary. Titles I and II of the bill, the regulatory freeze and midnight rules titles, apply only to those regulations that are most costly to the economy, costing $100 million or more. Unfortunately, these are the kinds of rules that the Obama administration is issuing at a much faster rate than the previous administration.

Under President Bush, the Office of Information and Regulatory Affairs' biannual regulatory agenda on average reported 77 economically significant regulations in the proposed and final stages of the rulemaking process. By comparison, President Obama's biannual average is 124.

I would also note that President Obama's Office of Information and Regulatory Affairs has not yet issued the spring 2012 regulatory agenda, although judging by the weather alone, I would say that spring is well behind us.

This can only add to the regulatory uncertainty that discourages job creation. It is no wonder, then, that a Gallup Poll found that small businessowners cite complying with government regulations as their most important problem. The Federal Government needs to slow down on issuing the most costly regulations until the economy has a chance to recover or until this body approves regulations forwarded to it. Even if a regulation related to privacy met the $100 million threshold for titles I and II, I am confident that the bill's reasonable waiver procedures would allow any necessary privacy regulation to move forward. There is no reason that regulations related to privacy should be exempt from the reforms to consent decree abuse contained in title III. For these reasons, I oppose this amendment and yield back the balance of my time.

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

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–616.

Mr. KUCINICH. 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 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) EXCEPTION FOR LIMITING OIL SPECULATION.—The prohibition in section 102(a) shall not apply to any significant regulatory action specifically aimed at limiting oil speculation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I offer a sensible amendment to improve this bill.

My amendment exempts from the moratorium any significant regulatory action that is specifically aimed at limiting speculation in the oil markets. Now, think of a gas pump this way: if you look at a gas pump, it's got that nozzle like that—it is actually a holdup device. Every time our constituents pull up to the pump and say ''fill it up,'' the oil companies are saying ''stick 'em up.'' That's what's happening.

So, do we really want to tell these speculators in oil markets that we don't have any interest in stopping their speculation? Do we really want this bill to do that? Because if we do that, what we are, in effect, causing is, we're giving the oil companies carte blanche to steal from our constituents. I am sure my friends on the other side of the aisle don't want that to happen, which is why I brought this amendment forward to help you.

Today, financial speculators have overwhelmed commodity markets and

have driven out bona fide market participants who seek to reduce the risk of their investment by making offsetting investments. Excessive speculation in oil markets has come about as a result of the financialization of commodity markets. Financialization means that the prices of a commodity like oil are being set not by supply and demand but by financial concerns and by manipulation. Financialization has increased volatility, increased prices in the futures market and needlessly inflated the price all of our constituents pay at the pump—stick 'em up—and pay for products like heating oil.

Now, let's not forget that the financial crisis of 2008 was caused, in part, by commodity swaps, most of which are oil swaps. In July of 2008, traders pushed the price of a barrel of oil to a record $145. The wild price fluctuation was not caused simply by changes in supply or demand or by events in the Middle East. There was a worldwide recession in 2008. Weak economies usually mean weaker demand for oil. But thanks to Wall Street, that's not the case. They find a way to make a profit at the expense of consumers and businesses.

For decades, bona fide commercial hedgers made up about 70 percent of the commodities market activity, with speculators making up the other 30 percent. Now the speculators make up about 70 percent of the activity, and commercial hedgers are 30 percent.

□ 1750

Do we really want to provide an opportunity for these speculators to cause our constituents to have to stick 'em up again?

Mr. CONYERS. Will the gentleman yield?

Mr. KUCINICH. Mr. Chairman, could I ask how much time I have remaining?

The Acting CHAIR. The gentleman has 2 minutes and 45 seconds remaining.

Mr. KUCINICH. Okay. I will yield 45 seconds to my friend.

Mr. CONYERS. I may not need that much time.

But this is the most important provision in this bill—if we can persuade our colleagues to accept it—because we've all been victims of this rising gas price and then they miraculously come down a little bit, and then they start going back up again and then they come down.

I congratulate the gentleman from Ohio (Mr. KUCINICH) for introducing the amendment, and I'm proud, along with him, to support consumers across this country.

I thank the gentleman.

Mr. KUCINICH. I thank the gentleman. How much more time would you like? I thank you sincerely.

The New England Fuel Institute published a list of 100 studies—100 studies, my friends—showing the impact of commodity speculation. This is entitled, ''Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions.'' These studies show the harms of unchecked financial speculation on all commodity markets, not just oil. And though my amendment is focused on retaining the power of our regulatory agencies to address oil speculation, the fact is that excessive speculation hampers the proper function of all derivative markets, not just energy markets.

Today, the average price of gas in America is about $3.50 a gallon—higher than it ought to be—and that's because of excessive speculation.

[June 14, 2012]

EVIDENCE ON THE NEGATIVE IMPACT OF COMMODITY SPECULATION BY ACADEMICS, ANALYSTS AND PUBLIC INSTITUTIONS

(Compiled by Markus Henn)

1) Adämmer, Philipp/Bohl, Martin T./Stephan, Patrick M. (University of Munster) (2011): Speculative Bubbles in Agricultural Prices: ''The empirical evidence is favorable for speculative bubbles in the corn and wheat price over the last decade.''

2) Agriculture and food policy centre (Texas University) (2008): The effects of ethanol on Texas food and feed: ''Speculative fund activities in futures markets have led to more money in the markets and more volatility. Increased price volatility has encouraged wider trading limits. The end result has been the loss of the ability to use futures markets for price risk management due to the inability to finance margin requirements.''

3) Algieri, Bernardina (Zentrum für Entwicklungsforschung Bonn) (2012): Price Volatility. Speculation and Excessive Speculation in Commodity Markets: Sheep or Shepherd Behaviour?: . . . this study shows that excessive speculation drives price volatility, and that often bilateral relationships exist between price volatility and speculation. (. . .) excessive speculation has driven price volatility for maize, rice, soybeans, and wheat in particular time frames, but the relationships are not always overlapping for all the considered commodities.''

4) Aliber, Robert Z. (University of Chicago) (2008): Oil Rally Topped Dot-Com Craze in Speculators' Mania (Bloomberg article): ''You've got speculation in a lot of commodities and that seems to be driving up the price. (. . .) Movements are dominated by momentum players who predict price changes from Wednesday to Friday on the basis of the price change from Monday to Wednesday.''

5) Baffes, John (The World Bank)/Haniotis. Tassos (European Commission) (2010): Placing the 2006/08 Commodities Boom into Perspective. World Bank Research Working Paper 5371: ''We conjecture that index fund activity (one type of ''speculative'' activity among the many that the literature refers to) played a key role during the 2008 price spike. Biofuels played some role too, but much less than initially thought. And we find no evidence that alleged stronger demand by emerging economies had any effect on world prices.''

6) Bass, Hans H. (Univ. Bremen) (2011): Finanzmšrkte als Hungerverursacher? Studie für Welthungerhilfe e.V.: ''Das Engagement der Kapitalanleger auf den Getreidemärkten führte nach unseren Berechnungen in den Jahren 2007 bis 2009 im Jahresdurchschnitt zu einem Spielraum für Preisniveauerhöhungen von bis zu 15 Prozent.''

7) Basu, Parantap/Gavin. William T. (Federal Reserve Bank of St. Loius) (2011): What explains the Growth in Commodity Derivatives? ''Banks argue that they need to use commodity derivatives to help customers manage risks. This may be true, but the recent experience in commodity futures did not reduce risks but exacerbated them just at the wrong time.''

8) Berg, Ann (former CME trader and director, now FAO advisor) (2010): Agricultural Futures: Strengthening market signals for global price discover. Paper to the FAO's Committee on Commodity Problems Extraordinary meeting: ''. . . over 150 years of futures trading history demonstrates that position limits are necessary in commodities of finite supply to curb excessive speculation and hoarding.''

9) Berg, Ann (former CME trader and director. now FAO advisor) (2011): The rise of commodity speculation: from villainous to venerable: ''Structural changes in global commodity markets have greatly contributed to rising prices and increased price variability. These fundamental trends toward higher prices have been a key lure for increased speculative activity on the major futures exchanges.''

10) Bicchetti, David/Maystre, Nicolas (2012) (UNCTAD): The synchronized and long-lasting structural change on commodity markets: evidence from high frequency data: ''we document a synchronized structural break, characterized by a departure from zero, which starts in the course of 2008 and continues thereafter. This is consistent with the idea that recent financial innovations on commodity futures exchanges, in particular the high frequency trading activities and algorithm strategies have an impact on these correlations.''

11) Büyüksahin, Bahattin (IEA)/Robe, Michel A. (American University) (2010): Speculators, Commodities and Cross-Market Linkages: ''We then show that the correlations between the returns on investable commodity and equity indices increase amid greater participation by speculators generally and hedge funds especially.''

12) Chevalier, Jean-Marie (ed.) (Ministère de l'Economie. de l'Industrie et de l'Emploi) (2010): RaDDOrt du groupe de travail sur la volatilité des prix du pétrole: ''On peut raisonnablement avancer en conclusion que le jeu de certains acteurs financiers a pu amplifier les mouvements à la hausse ou à la baisse des cours, augmentant à volatilité naturelle des prix du pétrole...''

13) Cooke, Bryce/Robles. Miguel (IFPRI) (2009): Recent Food Prices Movements. A Time Series Analysis: ''Overall, our empirical analysis mainly provides evidence that financial activity in futures markets and proxies for speculation can help explain the observed change in food prices; any other explanation is not well supported by our time series analysis.''

14) Cooper, Marc (Consumer Federation of America) (2011): Excessive Speculation and Oil Price Shock Recessions: A Case of Wall Street ''Déjà vu all over again'': ''the paper shows that excessive speculation, not market fundamentals caused the spike in oil prices. The movement of trading and prices in the three years since the speculative bubble in oil burst in 2008 provides even stronger evidence that excessive speculation is a major problem that afflicts the oil market and the economy.''

15) Deutsche Bank Research (2009): Do speculators drive crude oil prices? Dispersion in beliefs as price determinants. Research Notes 32: ''The econometric estimates can reject the null hypotheses that the dispersion in beliefs of speculators has no influence on the crude oil price and its volatility. Both the Granger causality tests and the distributed lag models, which also include lagged regressors that measure the dispersion in beliefs of speculators, confirm moreover the

role of speculation as a precursor to price movements.''

16) Dicker, Dan (former NYMEX trader) (2011): ''I wrote Oil's Endless Bid to show how the treatment of oil as a stock by investors, far more than any number of globally significant competing factors, causes the dramatically higher prices that we've seen in recent years. I've witnessed seismic changes to the oil markets during my many years as a trader, and it's the everyday consumer who shoulders the burden.''

17) Du, Xiaodong/Yu, Cindy L./Hayes. Dermott J. (Iowa State University) (2009). Speculation and Volatility Spillover in the Crude Oil and Agricultural Commodity Markets: A Bayesian.

Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions—14 June 2012—markus.henn@weed-online.org Analysis. Working Paper No. 09–WP 491, 2009: ''Speculation, scalping, and petroleum inventories are found to be important in explaining oil price variation.''

18) Eckaus. R.S. (MIT) (2008): The Oil Price Really Is A Speculative Bubble. ''Since there is no reason based on current and expected supply and demand that justifies the current price of oil, what is left? The oil price is a speculative bubble.''

19) Einloth. James T. (FDIC) (2009): Speculation and Recent Volatility in the Price of Oil: ''The paper finds the evidence inconsistent with speculation having played a major role in the rise of price to $100 per barrel in March 2008. However, the evidence suggests that speculation did play a role in its subsequent rise to $140.''

20) Evans, Tim (Citigroup energy analyst) (2008): The Official Demise of the Oil Bubble (Wall Street Article): ''This is a market that is basically returning to the price level of a year ago which it arguably should never have left. (...) We pumped up a big bubble, expanded it to an impressive dimension, and now it is popped and we have bubble gum in our hair.''

21) Frenk, David (Better Markets Inc.) (2010): Review of Irwin and Sanders 2010 OECD report: 1) The statistical methods applied are completely inappropriate for the data used. 2) The study is contradicted by the findings of other studies that apply more appropriate statistical methods to the same data. 3) The overall analysis is superficial and easily refuted by looking at some basic facts.''

22) Frenk, David/Turbeville, Wallace C. (Better Markets Inc.) (2011): Commodity Index Traders and the Boom/Bust Cycle in Commodities Prices: ''We find strong evidence that the CIT Roll Cycle systematically distorts forward commodities futures price curves towards a contango state, which is likely to contribute to speculative ''boom/bust'' cycles by changing the incentives of producers and consumers of storable commodities, and also by sending misleading and non-fundamental, price signals to the market.''

23) Gheit, Fadel/Katzenberg, Daniel (2008) (Oppenheimer & Co.): Surviving lower oil prices: ''The investment banks that hyped oil prices using voodoo economics have suddenly reversed their position and now expect much lower oil prices. They helped cause excessive speculation, create the oil bubble, and contributed to the global financial crisis. They have changed their tune in exchange for a government bailout, not because of changes in market fundamentals.''

24) Gilbert, Christopher (Trento University) (2010): How to understand high food prices: ''By investing across the entire range of commodity futures, index-based investors appear to have inflated food commodity prices.''

25) Gilbert, Christopher (Trento University) (2010): Speculative Influences on Commodity Futures Prices: ''The results ... indicate that index-based investment in commodity futures may have been responsible for a significant and bubblelike increase of energy and non-ferrous metals prices, although the estimated impact on agricultural prices is smaller.''

26) Ghosh, Jayati (Jawaharlal Nehru University) (2010): Commodity speculation and the food crisis: ''Thus international commodity markets increasingly began to develop many of the features of financial markets, in that they became prone to information asymmetries and associated tendencies to be led by a small number of large players. Far from being 'efficient markets' in the sense hoped for by mainstream theory, they allowed for inherently 'wrong' signalling devices to become very effective in determining and manipulating market behaviour. The result was the excessive price volatility that has been displayed by important commodities over the recent period—not only the food grains and crops mentioned here, but also minerals and oil.''

27) Global Hunger Index 2011 (IFPRI, Welthungerhilfe, Concern Worldwide) (2011): ''Price increases and volatility have arisen for three main reasons: increasing use of food crops for biofuels, extreme weather events and climate change, and increased volume of trading in commodity futures markets.''

28) Goldman Sachs (2011): Global Energy Weekly March 2011: ''We estimate that each million barrels of net speculative length tends to add 8–10 cents to the price of a barrel of oil.''

29) Greenberger, Michael (University of Maryland) (2010): The Relationship of Unregulated Excessive Speculation to Oil Market Price Volatility. Paper for the International Energy Forum: ''When speculators make up too large a share of the futures market, they have the potential to upset the healthy tension between consumers and producers and resulting adherence of prices to market fundamentals. The resulting volatility makes it more difficult for commercial consumers and producers to successfully hedge risk, because prices do not reflect market fundamentals, and so they abandon the futures market and risk shifting—thereby further destabilizing the price discovery influence of these markets.''

30) Hamilton, James (Department of Economics, UC San Diego) (2009) Causes and Consequences of the Oil Shock of 2007–08: ''With hindsight, it is hard to deny that the price rose too high in July 2008, and that this miscalculation was influenced in part by the flow of investment dollars into commodity futures contracts.''

31) Henderson, Brian J. (George Washington University)/Pearson, Neil D./Wang, Li (2012) (University of Illinois at Urbana-Champaign): New Evidence on the Financialization of Commodity Markets: ''this paper examines the price impact of commodity investments on the commodities futures markets using a novel dataset of Commodity-Linked Notes (CLNs). CLN issuers hedge their liabilities by taking long positions in the underlying commodity futures on the pricing dates. These hedging trades are plausibly exogenous to the contemporaneous and subsequent price movements, allowing us to identify the price impact of the hedging trades. We find that these hedging trades cause significant price changes in the underlying futures markets, and therefore provide direct evidence of the impact of ''financial'' trades on commodity futures prices.''

32) House of Commons Select Committee on Science & Technology of the United Kingdom (2011). ''While the debate on the relative importance of the multiple factors influencing commodities prices is still open, it is clear that price movements across different commodity markets have become more closely related and that commodities markets have become more closely linked to financial markets.''

33) Hunt, Simon (Simon Hunt Strategic Services) (2011): ''Slowly, the truth on whether the global copper market is really tight is coming out. It illustrates just how large an involvement the financial institutions have become to the copper industry. It shows, too, that by throwing money at a market, prices can be driven higher. In the process, however, the delicate balance between supply and the industry's requirements for a basic material used to produce a range of essential products is destroyed. In short, copper is becoming a financial asset in place of its historic role as an industrial metal.''

34) Inamura, Yasunari/Kimata, Tomonori/Takeshi, Kimura/Muto, Takashi (Bank of Japan) (2011): Recent Surge in Global Commodity Prices—Impact of financialization of commodities and globally accommodative monetary conditions. Bank of Japan Review March 2011: ''While the strong increase in commodity prices has been driven by global economic growth propelled by emerging economies, speculative investment flows into commodity markets have amplified the intensity of the price surge. (...) global commodity markets have become more sensitive to portfolio rebalancing by financial investors, which has made commodity markets more correlated with other asset markets, including major equity markets.''

35) institute for Agriculture and Trade Policy (2009): Betting Against Food Security: Futures Market Speculation. Trade and Global Governance Programme Paper: ''A large share of the commodity exchange price volatility resides not so much in supply and demand of the commodity traded as in the fund formulas for buying and selling the bundled futures contracts.''

36) International Monetary Fund (2008): Regional Economic Outlook: Middle East and Central Asia: ''In summary, it appears that speculation has played a significant role in the run-up in oil prices as the U.S. dollar has weakened and investors have looked for a hedge in oil futures (and gold).''

37) Jalali-Naini. Ali bin Ibrahim (Economic Research Forum Cairo) (2009): The Impact of Financial Markets on the Price of Oil and Volatility: Developments since 2007: ''Causality tests indicate that changes in speculative positions—resulting from the entry and exit of non-commercials—can generate price volatility. When used in conjunction with a number of other variables, including commercial stocks and product prices to explain variations in the price of oil, the speculative length in the futures market has a positive and significant coefficient.''

38) Jickling, Mark/Austin, Andrew D. (Congressional Research Service) (2011): Hedge Funds Speculation and Oil Prices: ''A statistically significant correlation is evident between changes in positions held by ''money managers'' (a category of speculators that includes hedge funds) and the price of oil. In other words, during weeks when money managers have been net buyers of oil futures and options (or increased the size of their long positions), the price has tended to rise. Price falls, conversely, have tended to coincide with reductions in money managers' long positions.''

39) Jouyet, Jean-Pierre (President de l'Autorite des marches financiers)/de Boissieu, Christian (President du Conseil d'analyse economique)/Guillon. Serge (Controleur general economigue et financier)

(2010): Rapport d'étape—Prevénir et gérer l'instabilité des marchés agricoles: ''Les marchés agricoles sont confrontes a une mondialisation et a une financiarisation qui influencent leur fonctionnement. La volatilité naturelles des prix qui caractérise ces marches est amplifiée par de nouveaux facteurs et notamment par une speculation excessive.''

40) Juvenal, Luciana/Ivan, Petrella (Federal Reserve Bank of St. Louis) (2011): Speculation in the Oil Market: ''We find that the increase in oil prices in the last decade is mainly due to the strength of global demand, consistent with previous studies. However, financial speculation significantly contributed to the oil price increase between 2004 and 2008.''

41) Kaufmann, Robert (Boston University) (2010): The role of market fundamentals and speculation in recent price changes for crude oil: ''I hypothesize that the price spike and collapse of 2007–2008 are driven by both changes in both market fundamentals and speculative pressures.''

42) Kawamoto, Takuji/Kimura, Takeshi/Morishita, Kentaro/Higashi, Masato (Bank of Japan (2011): What has caused the surge in global commodity prices and strengthened cross-market linkage?: ''Moreover, we find quantitative evidence that an increase in cross-market linkage between commodity and stock markets was caused by the markets' increased comovements due to large fluctuations in the global economy during the financial crisis as well as by the ''financialization of commodities,'' that is, financial investors are increasingly treating commodities as an investment asset class.''

43) Kemp, John (Reuters) (2008): Crisis remakes the commodity business: ''It does not alter the fact most of the upsurge in futures and options turnover on commodity exchanges and in OTC markets over the last five years has come from investment-related rather than trade-related business.''

44) Khan, Mohsin S. (Petersen Institute) (2009): The 2008 Oil Price ''Bubble'': ''While market fundamentals obviously played a role in the general run-up in the oil prices from 2003 on, it is fair to conclude by looking at a variety of indicators that speculation drove an oil price bubble in the first half of 2008. Absent speculative activities, the oil price would probably have been in the $80 to $90 a barrel range.''

45) Korzenik, Jeffrey (CIO. Caturano Wealth Management) (2009): Fundamental Misconceptions in the Speculation Debate: '' 'Overspeculation' or 'excessive speculation' exists when speculators become primary drivers of price. When this happens, commodities are no longer efficiently allocated—if prices are driven below the point where commercial supply and demand meet, shortages result.''

46) Krugman, Paul (Columbia University) (2009): Oil speculation: ''Last year I was skeptical about claims that speculation was central to the price rise, because what I considered the essential signature of a speculative price rise . . . just wasn't showing. This time, however, oil inventories are bulging, with huge amounts held in offshore tankers as well as in conventional storage. So this time there's no question: speculation has been driving prices up.''

47) Lagi, Marco/Bar-Yam, Yavni/Bertrand, Karla Z./Bar-Yam, Yaneer (New England Complex Systems Insitute, Cambridge MA) (2011): The Food Crises A Quantitative Model of Food Prices Including Speculators and Ethanol Conversion: ''The two sharp peaks in 2007/2008 and 2010/2011 are specifically due to investor speculation, while an underlying upward trend is due to increasing demand from ethanol conversion. The model includes investor trend following as well as shifting between commodities, equities and bonds to take advantage of increased expected returns. Claims that speculators cannot influence grain prices are shown to be invalid by direct analysis of price setting practices of granaries.'' and the UPDATE from February 2012: ''we extend the food prices model to January 2012, without modifying the model but simply continuing its dynamics. The agreement is still precise, validating both the descriptive and predictive abilities of the analysis.''

48) Lines, Thomas (commodity consultant) (2010): Speculation in food commodity markets: ''These are the main problems that are caused by long-only index trading: It pushes prices up, irrespective of the market situation. It disrupts the rolling over of futures contracts when the nearest month expires.''

49) Lombardi, Marco J./Van Robays, Ine (ECB) (2011): Do financial investors destablize the oil price?: ''We find that financial investors in the futures market can destabilize oil spot prices, although only in the short run. Moreover, financial activity appears to have exacerbated the volatility in the oil market over the past decade, particularly in 2007–2008. However, shocks to oil demand and supply remain the main drivers of oil price swings.''

50) Luciani, Giacomo (Gulf Research Center Foundation) (2009): From Price Taker to Price Maker? Saudi Arabia and the World Oil Market: ''The inflow of liquidity, the increasing role played by the futures market (paper barrels) over the spot (wet barrels), and the proliferation of derivatives which encourage betting on price changes rather than on the absolute level of prices all contribute to worsen the situation, amplifying price oscillations.''

51) Masters, Michael W. (Masters Capital) (2009): Testimony before the Commodities Futures Trading Commission: ''In summary, passive investors compete with physical commodity consumers and make it much more difficult for them to hedge. (. . .) They provide no benefits whatsoever to the markets because they consume liquidity. And most importantly, they drive up commodity prices, which hurts everybody on the planet.''

52) Masters, Michael W. (Masters Capital)/White, Adam K. (White Knight Research) (2008): How institutional investors are driving up food and energy prices: ''Unfortunately, this price discovery function of the commodities futures markets is breaking down. With the advent of financial futures, the important distinctions between commodities futures and financial futures were lost to regulators. Excessive speculation gradually became synonymous with manipulation, and speculative position limits were raised or effectively eliminated because they were not deemed necessary to prevent manipulation.''

53) Mayer, Jörg (2009): The Growing Interdependence between Financial and Commodity Markets. UNCTAD Discussion Paper 195: ''The increasing importance of financial investment in commodity trading appears to have caused commodity futures exchanges to function in such a way that prices may deviate, at least in the short run, quite far from levels that would reliably reflect fundamental supply and demand factors. Financial investment weakens the traditional mechanisms that would prevent prices from moving away from levels determined by fundamental supply and demand factors—efficient absorption of information and physical adjustment of markets. This weakening increases the proneness of commodity prices to overshooting and heightens the risk of speculative bubbles occurring.''

54) Medlock, Kenneth B./Jaffe, Amy M. (Rice University) (2009): Who is in the Oil Futures Market and How Has It Changed?: ''. . . trading strategies of some financial players in oil appears to be influencing the correlation between the value of the U.S. dollar and the price of oil. (. . .) We also find that the correlation between movements in oil prices and the value of the dollar against the trade-weighted index of the currencies of foreign countries has increased to 0.82 (a significant measure) for the period between 2001 and the present day, compared to a previously insignificant correlation of only 0.08 between 1986 and 2000.''

55) Miller, Marcus (University of Warwick) (2011) Interview with Al-Jazeera. ''A disturbing amount of price increases, I fear, is being driven by speculative activity. Bets [on future price rises or declines] can become self-fulfilling if you are big enough to affect the market.''

56) Morse, E. (former Lehman Brothers chief energy economist) (2008): Oil Dotcom. Research Note: ''Fundamental changes cannot explain sudden, severe price or curve movements. (. . .) Our conclusion from this study is that we are seeing the classic ingredients of an asset bubble.''

57) Mou, Yiqun (Columbia University) (2010): Limits to Arbitrage and Commodity Index Investment: Frontrunning the Goldman Roll: ''This paper focuses on the unique rolling activity of commodity index investors in the commodity futures markets and shows that the price impact due to this rolling activity is both statistically and economically significant.''

58) Müller, Dirk (Finanzethos) (2011): Unschuldsmythen, Wie die Nahrungsmittelspekulation den Hunger anheizt: ''Wie die folgende Analyse zeigt, ist der zentrale Einfluss der Spekulation auf die Preisentwicklung bei Grundnahrungsmittel in Entwicklungsländern kaum zu leugnen.''

59) Naylor, Rosamund L./Falcon. Walter P. (Stanford) (2010). Food Security in an Era of Economic Volatility: ''Uncertainty surrounding exchange rates and macro policies added to price misperceptions, as did flurries of speculative activity in organized futures markets. Events since 2005—including the most recent period of price variability in 2010—underscore the point that uncertainty and expectations can be as important as or even more important than actual changes in grain demand and supply in driving price variability.''

60) Newell, J. (Probability Analytics Research) (2008): Commodity Speculation's ''Smoking Gun'': ''Real market forces in these diverse markets are largely independent of one another, and therefore price changes should be essentially uncorrelated. This was clearly true historically; from 1984 through 1999 average correlation between all commodities was only 7%. In the last 12 months this average rose to 64%. Correlation with the GSCI was 23% historically, and rose to 76% in the last year. Index speculation has swamped real market forces.''

61) Nissanke, Machiko (University of London) (2010): Commodity Markets and Excess Volatility. Sources and Strategies to Reduce Adverse Development Impacts. Paper presented at the CFC Conference in Brussels December 2010: ''It can be argued that asset prices, including commodity prices, traded globally are largely influenced by market liquidity cycles in global finance. From this particular perspective, we can have a plausible narrative of the recent episode of commodity pricey cycle. (. . .) Clearly, trading activities in world commodity markets have undergone some fundamental change, as the links between activities in commodity and financial markets has further intensified.''

62) Ortiz, Isabel/Chai, Jingqaing/Cummins. Matthew (2011): Escalating Food Prices—the threat to poor households and policies to

safeguard a Recovery for All. Unicef Social and Economic working paper. ''Such activities [trading futures contracts for speculative gains] have contributed to excessive fluctuations in food commodity futures prices and distorted signals for expected prices. By doing to, speculation impedes practical hedging strategies and imposes significant unanticipated costs and undue burden on food farmers, processors and distributors, potentially contributing to unwarranted changes in local food costs.''

63) Petzel, Todd E. (Offit Capital Advisors) (2009): Testimony before the CFTC: ''I believe these investors in aggregate have had a material impact on price levels, price spreads and the level of inventories being held.''

64) Phillips, Peter C. B. (Yale University)/ Yu, Jun (Singapore University) (2010): Dating the Timeline of Financial Bubbles During the Subprime Crisis: ''a bubble first emerged in the equity market during mid–1995 lasting to the end of 2000, followed by a bubble in the real estate market between September 2000 and June 2007 and in the mortgage market between August 2005 and July 2007. After the subprime crisis erupted, the phenomenon migrated selectively into the commodity market and the foreign exchange market, creating bubbles which subsequently burst at the end of 2008, just as the effects on the real economy and economic growth became manifest.''

65) Pollin, Robert/Heintz. James (University of Massachusetts)(2011): How Wall Street Speculation is Driving Up Gasoline Prices Today: ''A major additional factor is the rapid growth in large-scale speculative trading around oil prices through the oil commodities futures market. Indeed, we estimate that, without the influence of large-scale speculative trading on oil in the commodities futures market, the average price of gasoline at the pump in May would have been $3.13 rather than $3.96.''

66) Ray, Darryl E/Schaffer, Harwood D. (University of Tennessee) (2010): Index funds and the 2006–2008 run-up in agricultural commodity prices: ''the fundamentals and/or expectations in the energy and mineral markets rein supreme—grains are along for the ride with little-to-no regard to what is happening in the grain sector. Worries during the period about the availability of oil drove up the price of crude, which caused index funds to rebalance their portfolios by making additional purchases of the other commodities to maintain the specified balance. Since the resulting price increases in agricultural commodities had virtually nothing to do with their market conditions, the record level of activity in the futures market by index funds would seem to make index funds a logical source of possible price overshooting.''

67) Robles, Miguel/Torero, Maximo/Braun. Joachim von (IFPRI) (2009): When speculation matters. IFPRI Issue Brief 57: ''Changes in supply and demand fundamentals cannot fully explain the recent drastic increase in food prices. Rising expectations, speculation, hoarding, and hysteria also played a role in the increasing level and volatility of food prices.''

68) Roubini, Nouriel (New York University) (2009): The risk of a double-dip recession is rising (Financial Times Article): ''Another reason to fear a double-dip recession is that oil, energy and food prices are now rising faster than economic fundamentals warrant, and could be driven higher by excessive liquidity chasing assets and by speculative demand.''

69) Sachs, Jeffrey D. (Columbia University) (2008): Corn Futures Spark Riots as Speculators Take Trading to Limit (Bloomberg article): ''The fact that prices soared and then they came down so much really does suggest that there was a speculative element to it.''

70) Schulmeister, Stephan (Vienna University) (2009): Trading Practices and Price Dynamics in Commodity Markets. Study commissioned by the Austrian Federal Ministry of Finance and the Austrian Federal Ministry of Economics and Labour: ''Based on the ''bullishness'' in commodity derivatives markets, short-term oriented speculators reacted much stronger to news in line with the expectation of rising prices than to news which contradicted the ''market mood''. Hence, they put more money into long positions than into short positions and held long positions longer than short positions. Due to this trading behavior, upward commodity price runs lasted longer in recent years than downward runs causing prices to rise in a stepwise process. Commodity price runs were lengthened by the use of trend-following trading systems of technical analysis. These systems try to exploit price runs by producing buy (sell) signals in the early stage of an upward (downward) run. The aggregate trading signals then feed back upon commodity prices.''

71) Schumann, Harald (2011): Die Hungermacher. Wie Deutsche Bank, Goldman Sachs & Co. auf Kosten der Armsten mit Lebensmitteln spekulieren. ''Die verantwortlichen Manager der Finanzbranche argumentieren, es gebe keine Beweise dafür, dass Finanzinvestoren auf den Rohstoffmärkten einen mehr als nur kurzfristigen Einfluss auf das Preisniveau haben. Diese Behauptung ist nicht haltbar. Für den Rohölmarkt 1st dieser Zusammenhang sogar unter den Fachleuten der Finanzbranche selbst nicht mehr umstritten.''

72) Schutter, Olivier de (UN Special Rapporteur on the Right to Food) (2010): Food commodities speculation and food price crises: Regulation to reduce the risks of financial volatility: ''The global food price crisis that occurred between 2007 and 2008, and which affects many developing countries to this day, had a number of causes. The initial causes related to market fundamentals, including the supply and demand for food commodities, transportation and storage costs, and an increase in the price of agricultural inputs. However, a significant portion of the increases in price and volatility of essential food commodities can only be explained by the emergence of a speculative bubble.''

73) Shiller, Robert J. (Yale University) (2008): Commodity Prices Tumble (New York Times article): ''Commodities followed the euphoria cycle that we had along with housing.''

74) Silvennoinen Annastiina (Queensland University) / Thorp, Susan (Sydney University) (2010): Financialization crisis and commodity correlation dynamics: We observe higher and more variable correlations between commodity futures and stock returns from mid-sample, with many series showing a structural break in the conditional correlation processes from the late 1990s.''

75) Singleton, Kenneth J. (Stanford University) (2010): The 2008 Boom/Bust in Oil Prices: ''In my view, while spot-market supply and demand pressures were influential factors in the behavior of oil prices, so were participation in oil futures markets by hedge funds, long-term passive investors, and other traders in energy derivatives.''

76) Singleton, Kenneth J. (Stanford University) (2011): Investor Flows And The 2008 Boom/Bust in Oil Prices: ''I present new evidence that there was an economically and statistically significant effect of investor flows on futures prices . . . The intermediate-term growth rates of index positions and managed-money spread positions had the largest impacts on futures prices.''

77) Soros, George (2008): Interview with Stem: ''Speculators create the bubble that lies above everything. Their expectations, their gambling on futures help drive up prices, and their business distorts prices, which is especially true for commodities. It is like hoarding food in the midst of a famine, only to make profits on rising prices. That should not be possible.''

78) Tanaka, Nobuo (head International Energy Agency) (2009): IEA says speculation amplifying oil prices moves (Reuters article): ''Our analysis shows that the fundamentals are deciding the direction of the price while these funds or speculations . . . are amplifying the movement.''

79) Tang, Ke (Princeton University) / Xiong. Wei (Renmin University) (2011): Index Investment and The Financialization of Commodities. ''This paper finds that concurrent with the rapid growing index investment in commodities markets since early 2000s, futures prices of different commodities in the U.S. became increasingly correlated with each other and this trend was significantly more pronounced for commodities in the two popular GSCI and DJUBS commodity indices. This finding reflects a financialization process of commodities markets and helps explain the synchronized price boom and bust of a broad set of seemingly unrelated commodities in the U.S. in 2006–2008. In contrast, such commodity price comovements were absent in China, which refutes growing commodity demands from emerging economies as the driver.''

80) Timmer, C. Peter (FAO) (2009): Peter Timmer: Peter Timmer: Did Speculation Affect World Rice Prices? ''Speculative money seems to surge in and out of commodity markets, strongly linking financial variables with commodity prices during some time periods. But these periods are often short and the relationships disappear entirely for long periods of time.''

81) Trostle, Ronald (2008): Global Agricultural Supply and Demand: Factors Contributing to the Recent Increase in Food Commodity Prices. USDA Economic Research Service: ''It is unclear to what extent the effect these new investor interests had on prices and the underlying supply and demand relationships for agricultural products. However, computerized trend-following trading practices employed by many of these funds may have increased the short-term volatility of agricultural prices.''

82) Tudor Jones, Paul (Tudor Investment Corporation) (2010): Price Limits: A Return to Patience and Rationality in U.S. Markets. Speech to the CME Global Financial Leadership Conference. October 18, 2010: ''Every exchange traded instrument including all securities, futures, options and any other form of derivatives should have some form of a price limit. And this is all the more urgently needed now that electronic execution dominates trading.''

83) Turbeville, Wallace C. (former Goldman Sachs vice-president) Critique of Irwin and Sanders 2010 OECD report (2010): ''The issue is so important that scepticism of conventional beliefs, not faith in the perfection of free markets, is appropriate for any study of the issue.''

84) United Nations Conference on Trade and Development (UNCTAD) (2009): Trade and Development Report. Chapter II—The Financialization of Commodity Markets: ''The financialization of commodity futures trading has made commodity markets even more prone to behavioural overshooting. There are an increasing number of market participants, sometimes with very large positions, that do not trade based on fundamental supply and demand relationships in commodity markets, but, who nonetheless, influence commodity price developments.''

85) United Nations Conference on Trade and Development (UNCTAD) (2009): The global economic crisis: Systemic failures and

multilateral remedies. ''The evidence to support the view that the recent wide fluctuations of commodity prices have been driven by the financialization of commodity markets far beyond the equilibrium prices is credible. Various studies find that financial investors have accelerated and amplified price movements at least for some commodities and some periods of time. (. . .) The strongest evidence is found in the high correlation between commodity prices and the prices on other markets that are clearly dominated by speculative activity.''

86) United Nations Conference on Trade and Development (UNCTAD) (2011): Price Formation in Financialized Commodity Markets: the Role of Information. ''Due to the increased participation of financial players in those markets, the nature of information that drives commodity price formation has changed. Contrary to the assumptions of the efficient market hypothesis (EMH), the majority of market participants do not base their trading decisions purely on the fundamentals of supply and demand; they also consider aspects which are related to other markets or to portfolio diversification. This introduces spurious price signals to the market.''

87) United Nations Commission of Experts on Reforms of the International and Monetary System (2009): Reoort: ''In the period before the outbreak of the crisis, inflation spread from financial asset prices to petroleum, food, and other commodities, partly as a result of their becoming financial asset classes subject to financial investment and speculation.''

88) United Nations Food and Agricultural Organisation (FAO) (2010): Final report of the committee on commodity problems: Extraordinary joint intersessional meeting of the intergovernmental group (IGG) on grains and the intergovernmental group on rice: ''Unexpected crop failure in some major exporting countries followed by national responses and speculative behaviour rather than global market fundamentals, have been amongst the main factors behind the recent escalation of world prices and the prevailing high price volatility.''

89) United Nations Food and Agricultural Organisation (FAO) (2010). Price Volatility in Agricultural Markets. Economic and Social Perspectives Policy Brief 12. December 2010. ''Financial firms are progressively investing in commodity derivatives as a portfolio hedge since returns in the commodity sector seem uncorrelated with returns to other assets. While this 'financialisation of commodities' is generally not viewed as the source of price turbulence, evidence suggests that trading in futures markets may have amplified volatility in the short term.

90) United Nations Food and Agricultural Organisation (FAO), IFAD, IMF, OECD, UNCTAD, WFP. The World Bank, The WTO, IFPRI, UN HLTF (2011): Price Volatility in Food and Agricultural Markets: Policy Responses: ''While analysts argue about whether financial speculation has been a major factor, most agree that increased participation by non-commercial actors such as index funds, swap dealers and money managers in financial markets probably acted to amplify short term price swings and could have contributed to the formation of price bubbles in some situations.''

91) United Nations High Level Task Force on the global food security crisis (2008): ''The impact of speculation in futures and commodity markets on food prices has also highlighted the importance of appropriate regulatory measures to ensure that on-going integration of financial markets provides the basis for increased benefits, rather than risks, for the poor.''

92) United States Senate, Permanent Subcommittee on Investigations (2007): Excessive Speculation in the Natural Gas Market: ''Amaranth's 2006 positions in the natural gas market constituted excessive speculation. (. . .) Purchasers of natural gas during the summer of 2006 for delivery in the following winter months paid inflated prices due to Amaranth's speculative trading.''

93) United States Senate, Permanent Subcommittee on Investigations (2009): Excessive Speculation in the Wheat Market ''This Report concludes there is significant and persuasive evidence that one of the major reasons for the recent market problems is the unusually high level of speculation in the Chicago wheat futures market due to purchases of futures contracts by index traders offsetting sales of commodity index instruments.''

94) United States Senate, Permanent Subcommittee on Investigations (2006): The Role of Market Speculation in Rising Oil and Gas Prices: ''The large purchases of crude oil futures contracts by speculators have, in effect, created an additional demand for oil, driving up the price of oil to be delivered in the future in the same manner that additional demand for the immediate delivery of a physical barrel of oil drives up the price on the spot market.''

95) Urbanchuk, John M. (Cardno ENTRIX) (2011): Speculation and the Commodity Markets: ''A careful examination of activity by non-commercial and index traders (i.e. speculators) in the corn futures market in the context of supply and demand fundamentals strongly suggests that speculation is a major factor behind the sharp increase in both the level and volatility of corn prices this year.''

96) Van der Molen, Maarten (University of Utrecht) (2009): Speculators invading the commodity markets: a case study of coffee: ''Various analyses were performed to investigate these effects [i.e. effects that index speculators have on the futures market]. The results indicate that index speculators frustrated the futures market in the period between 2005 and 2008. This conclusion is based on the following indications: fundamentals have a lower impact on the price, the volume of index speculators has increased and their ability to influence the futures market has increased.''

97) Vansteenkiste, Isabel (ECB) (2011): What is driving oil price futures? Fundamentals versus Speculation: ''We find that for the earlier part of our sample (up to 2004) that fundamentals have been the key driving force behind oil price movements. Thereafter, trend chasing patterns appear to be better in capturing the developments in oil futures markets.''

98) Von Braun, Joachim (Bonn University) (2010). Time to regulate volatile food markets (Financial Times article): ''The setting of prices at the main international commodity exchanges was significantly influenced by speculation that boosted prices. Not only are food and energy markets linked, but also food and financial markets have become intertwined—in short, the ''financialisation'' of food trade. There are increasing indications that some financial capital is shifting from speculation on housing and complex derivatives to commodities, including food.''

99) Woolley, Paul (former fund manager. York University/London School of Economics) (2010). Why are financial markets so inefficient and exploitative—and a suggested remedy. ''Before the middle of the last decade the prices of individual commodities could be explained by the supply and demand from producers and consumers. With the flood of passive and active investment funds going into commodities from 2005 onwards, prices have been increasingly driven by fund inflows rather than fundamental factors. Prices no longer provide a reliable signal to producers or consumers. More damagingly, commodity prices have a direct impact on consumer price indices and the role of central banks in controlling inflation is made doubly difficult now that commodity prices are subject to volatile fund flows from investors.''

100) Wray, Randall L. (University of Missouri-Kansas City) (2008) The Commodities Market Bubble—Money Manager Capitalism and the Financialization of Commodities. Public Policy Brief No 96. The Levy Economics Institute of Bard College: ''There is adequate evidence that financialization is a big part of the problem, and there is sufficient cause for policymakers to intervene with sensible constraints and oversight to reduce the influence of managed money in these markets.''

So with that, I reserve the balance of my time.

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

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

Mr. CONAWAY. I rise today to oppose the gentleman's amendment.

This amendment, which exempts any regulation aimed at limiting oil speculation from the provisions of this bill, is no doubt well-intentioned. No one in this body should be willing to settle for any market manipulation or illegal trading activities. Indeed, the Federal Government already has a robust and effective enforcement effort. In an April 2011 letter to Senator MARIA CANTWELL, the Federal Trade Commission wrote:

> The Commission established a number of processes to identify, investigate, and, if warranted, prosecute illegal behavior in the energy industry using our full array of enforcement tools. After review, Bureau of Competition staff determined that none of the complaints involved conduct that violated the market manipulation rules.

In fact, CFTC Chairman Mike Dunn summarized it in a January 13, 2011, statement during the open meeting on the proposed rule. He said:

> To date, CFTC staff has been unable to find any reliable economic analysis to support either the conclusion that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation.

Indeed, study after study has shown that excessive speculation has not been the problem that my colleague would argue. Instead, almost every instance of high prices can be traced back to market fundamentals and an imbalance in supply and demand.

But today's amendment, though, isn't really about excessive speculation. If it were, we would also be talking about the speculators who have brought the natural gas markets to an all-time low, betting that our newfound abundance of natural gas cannot all be used. Instead, today's amendment is about finding fault. It's about finding a scapegoat for the problem of high gas prices that have been plaguing all of our constituents.

While I can sympathize with the gentleman's desire to know who is responsible, the truth is the high price of oil is a problem of our own making. Policy

decisions that were made years ago—failing to open new areas of production, boutique fuel mandates, and slow-walking new infrastructure—all contribute to today's pain at the pump.

Compounding these regulatory burdens is a growing long-term supply problem. While we have experienced recent production gains, that may not be enough to offset the demands of an expanding global economy. As China, India, and others continue to industrialize, and as the United States shakes off its economic downturn, we will again see pressure on production to keep pace with demand.

Over the past 3 years, oil producers in America have invested in new drilling technology and set off a production boom in places like North Dakota, Pennsylvania, and in my home State, my hometown in the Permian Basin area. This investment has led to 3 straight years of increasing domestic production on private lands, adding an additional 120,000 barrels of oil a day in production last year alone.

If prices are too high, we should not castigate producers and/or investors; we should open access to more supplies. If it is worth it, Americans will produce more oil and bring down prices.

Efforts to blunt market signals by introducing regulations that make it harder to trade commodities may provide a temporary reprieve from high prices, but it will come at a cost. In the long term, artificially lowered prices like this may lead to less investment and ultimate supply shortages. The better way to fight high prices is to increase supply. Just as the natural gas markets have plummeted to 10-year lows, oil prices will respond to increasing production.

I urge my colleagues to oppose the amendment and not to waste any more taxpayer dollars on finding blame for Congress' failure to act.

I yield back the balance of my time.

Mr. KUCINICH. I just want to say to my friend that if the Commodity Futures Trading Commission isn't really sure of the impact of speculation, I have 100 different studies here—100. And if you would like, if you have a budget for copy, we'll be glad to bring it over to the CFTC so they can see that speculation is undermining markets and undermining consumers.

Also, none other than Goldman Sachs did a study on the impact of speculation. If you translate their study, our constituents are paying a 56-cent-per-gallon increase on the price at the pump for speculation. Stick 'em up? No. We have to make sure that we hold the speculators to an accountability, and particularly in oil markets.

I ask everyone to support this amendment, something we should be able to agree on on a bipartisan basis.

I yield back the balance of my time.

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

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

Mr. KUCINICH. 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 Ohio will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–616.

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

The Acting CHAIR. Is the gentleman a designee of Mr. LIPINSKI of Illinois?

Mr. WELCH. Yes.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS PROMOTING ENERGY EFFICIENCY.—An agency may take any significant regulatory action that is intended to promote energy efficiency.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PROMOTION OF ENERGY EFFICIENCY EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to promote energy efficiency.

Page 20, insert after line 12 the following:

SEC. 305. EXCEPTION FOR PROMOTION OF ENERGY EFFICIENCY.

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to promote energy efficiency.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, I want to preface my remarks by two things: number one, not all regulations are good. It's a fair and appropriate question to examine whether regulations are useful or harmful. But second, not all regulations are bad. They can be useful, particularly in the area of energy efficiency.

Now, Mr. Chairman, we're having a very contentious debate about energy policy, but we've found one area where there is common agreement, and that's less is more. Any time, whatever your fuel choice is—whether it's coal, nuclear, oil, solar, wind—using less means you save money. That's a good thing.

Regulations can play a very constructive role in helping those of us who participate in the economy as individuals and as businesses to save money. My amendment would exempt from this overbroad bill rules that would prohibit energy efficiency-saving regulations.

Let me give a very good example of something that would happen detrimental to the economy if this bill is not amended.

Fuel standards were established in November. They have not yet gone into effect and would be prohibited from going into effect. The fuel economy standards for model years 2017 to 2025 will carry our vehicle fleet to an average fuel economy of 54.5 miles per gallon. The consumers support this and, my friends, the industry supports this. The car industry supports this. And one of the reasons they do is, if you have a rule that applies to all our manufacturers, that's the rule that they will manufacture their cars to.

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So you won't have gaming of this to try to get some short-term advantage at the expense of the consumer, at the expense of a competitor.

So energy efficiency is something that can help us save money. It can help the economy be more efficient. And in order to achieve the goal of energy efficiency, regulations, reasonably enacted, are absolutely essential to achieving that goal.

Mr. Chairman, I urge this body to adopt the amendment and improve this bill.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Mr. Chairman, one of the things that I've been saying repeatedly when the other amendments were debated I will repeat: the bill that we have before us has ample exceptions for regulatory action. And, in fact, it has a catch-all waiver that will allow the President of the United States to seek approval of regulations, but he'll have to work with Congress on them. After all, we're the ones that authorize the laws, the bills; and we should be authorizing and approving regulations.

There's no limit to which ones. The regulations addressed by this amendment would certainly be fertile ground for the President to forward to Congress for approval. So there are ample exceptions and waivers.

And I would also point out that, as I indicated earlier, I'm not anti-regulation. It's the excessive and overly burdensome regulations that we are concerned with. We need reasonable regulation, commonsense regulation. But the problem is the system, the regulatory system, has gotten out of control.

So there are ample ways to deal with the issue addressed here under the bill, and I believe this amendment is unnecessary, and I oppose it.

I yield back the balance of my time.

Mr. WELCH. May I inquire as to how much time I have.

The Acting CHAIR. The gentleman from Vermont has 2½ minutes remaining.

Mr. WELCH. Mr. Chairman, two things: number one, we can't have a comprehensive, one-size-fits-all bill that applies to regulations. It requires some judgment. That means that there are some regulations that are good, some are bad.

The gentleman, I think, is defending a bill that essentially has, as its proposition, all regulations, by definition, are detrimental to the economy, when that's not even close to accurate.

Second, I appreciate the gentleman's description of a waiver process that gives, unfortunately, a theoretical way to resolve a situation, but it's not a practical remedy. It requires congressional action.

And here's, Mr. Chairman, where I think we've got to get real with ourselves, and we've got to get real with the American people. The idea that we can agree on a disputed regulation would suggest that we could have agreed on student loan interest rates, that we could have agreed on the debt ceiling, that we could have agreed on a grand bargain. All of these issues that are enormously contentious and consequential for the American people, we have sharp divisions.

And I'm not asserting who's right or wrong in this. I'm saying that all of us have to acknowledge the obvious and, that is, that Congress is pretty close to dysfunctional. Things that have to be addressed are being neglected.

So this notion that when it comes to the car mileage standard, we'll be able to come into Congress and do a Kumbaya and all of us get together and reach agreement on one thing when, on everything else, the simplest of things we can't reach agreement, is not being direct and straightforward with ourselves or with the American people.

Let's carve out an exception to this bill so that when this economy and our consumers and businesses can benefit by energy efficiency, which our industry supports, which our people and consumers support, we allow them to do that.

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 noes appeared to have it.

Mr. WELCH. 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 Vermont will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–616.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) ADDITIONAL EXCEPTION.—An agency may take a significant regulatory action if such action would protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire.

Page 10, after line 4, insert the following new paragraph:

(3) necessary to protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire;

Page 10, line 5, strike ''(3)'' and insert ''(4)''.

Page 10, line 7, strike ''(4)'' and insert ''(5)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself, at this point, 2 minutes, and it's just to lay out how simple this amendment is.

It would ensure that the government could act to protect the public from extreme weather, including drought, flooding, and catastrophic wildfire.

The Republican bill on the floor today is so broadly and badly written, who knows what could fall through the holes it blasts in America's safety net.

Given the record-breaking extreme weather events our country has experienced in the last few years, it cannot risk tying the helping hands of government when it comes to dealing with droughts and floods and wildfires and extreme events.

Mr. WELCH was just talking about these fuel economy standards that lift our fuel economy standards to 54.5 miles per gallon by the year 2026. Well, that's a message to OPEC that we don't need their oil anymore than we need their sand. But it's also a message that we can reduce the amount of greenhouse gases we're sending up into the atmosphere in a dramatic way.

And do you know who's complying with that? Do you know who said they support it? The auto industry of the United States of America.

So it's not that we're doing anything that's radical. The radical activity is coming from the majority, from the Republican Party, that just has an aversion to anything that is put on the books as regulation, even if it helps America's safety, helps America's climate, helps America's foreign policy to back out imported oil. And that's really what's very troubling here today.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Mr. Chairman, this amendment is, like the others, unnecessary. And as it is drafted, it seems to suggest that the Federal Government can somehow regulate the weather.

Titles I and II of this bill were carefully drafted to block only those unnecessary, most costly regulations, those that cost the economy $100 million or more. The bill contains reasonable exceptions for the President to issue a regulation, for example, that is ''necessary because of an imminent threat to health or safety or other emergency'' or one that is ''necessary for the national security of the United States.''

The bill also contains a congressional waiver exception whereby the President can make any other necessary regulation with the permission of Congress.

King Canute famously demonstrated many centuries ago that the weather does not respect executive fiat. Although the Federal Government cannot control the weather by regulation, it can issue regulations to help Americans cope with the effects of extreme weather.

I believe the exceptions already in this bill would cover regulations related to the extreme weather events suggested by the gentleman from Massachusetts' amendment. For these reasons, I oppose this amendment.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

So is the question this, that we're supposed to do literally nothing about extreme weather? Are we supposed to pretend that we don't have extreme weather?

We've had the worst drought, the hottest 12-month period in the history of keeping records since 1895. You can go throughout the entire country and see almost everywhere now the effects of extreme weather.

In our State of Vermont, Mr. Chair, last August 28, Tropical Storm Irene dumped an immense amount of water and did the worst damage since 1927. We didn't used to have storms like that.

We also are starting to have a threat to our maple trees, from which come the best maple syrup in the country, in the world.

Mr. Chairman, extreme weather is real. It's serious. And our response is to put our heads in the sand.

I support this amendment.

□ 1810

The Acting CHAIR. The Chair would advise the gentleman from Vermont that the best maple syrup comes from Chardon, Ohio.

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

Mr. MARKEY. Would the Chair be able to give a recapitulation of the time remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes and 15 seconds remaining.

Mr. MARKEY. Corn is shriveling. Pastures are dying. More than 1,000 counties in 29 States are eligible for drought disaster assistance. Increased food prices from droughts act like an extreme weather food tax on every single American. Even if the drought is not in your neighborhood, you will feel the pain at the checkout counter. Even if the heat wave has broken in your State, your cupboard may be emptier as you have to make hard choices at

the grocery store. Even if the storm skips your town, the disruptions will be felt all the way to your dinner plate. Many of our Western forests are also extremely dry. Wildfire has already burned millions of acres this summer. Tens of thousand of people have had to evacuate. Hundreds of homes have been destroyed. Lives have been lost.

We also know that increasing carbon pollution increases the risk of extreme weather. We all buy flood and fire insurance for our homes. This amendment is the flood and fire insurance for America from the disaster, the disaster that is this Republican legislation.

On the other side of this spectrum, parts of Minnesota and Florida experienced devastating flooding in June. The rain from Tropical Storm Debby caused Florida to have its wettest June ever. All of this occurred during the hottest 12-month period for the lower 48 States since record-keeping began in 1895, and it follows 2011, when America experienced a record 14 extreme weather disasters that each caused $1 billion or more of damage.

Clearly, extreme weather is a threat to the safety and the security of the American people and the economy, but this Republican bill could smother the government's ability to prepare for a response to extreme weather events. This amendment would make sure that the government's regulatory fire blanket is ready for emergencies. The risk of extreme weather is not going away. In fact, it is increasing. Mark Twain once complained that everybody talks about the weather, but nobody does anything about it. Well, now we are with this amendment.

By pumping carbon into the air, we are changing the climate, raising the temperature, increasing the risk of extreme weather. The Republicans just don't accept science. Vote ''aye'' on the Markey amendment.

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

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in Part B of House Report 112–616 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Florida.

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. KUCINICH of Ohio.

Amendment No. 4 by Mr. WELCH of Vermont.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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 188, noes 231, not voting 12, as follows:

[Roll No. 514]

AYES—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rothman (NJ)
Roybal-Allard
Runyan
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)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—231

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
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
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
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
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
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—12

Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Noem
Reyes
Richmond
Stivers
Sutton

□ 1839

Messrs. RYAN of Wisconsin, CAMPBELL, COBLE, FLAKE, GRIFFITH of Virginia, BARTLETT, and SMITH of Nebraska changed their vote from ''aye'' to ''no.''

Messrs. TIPTON, TOWNS, BISHOP of Georgia, MCDERMOTT, PLATTS, and MEEHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) 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 159, noes 259, not voting 13, as follows:

[Roll No. 515]

AYES—159

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
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
Wilson (FL)
Woolsey
Yarmuth

NOES—259

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
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
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
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Reyes
Richmond
Stearns
Stivers
Sutton

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. SIMPSON) (during the vote). There is 1 minute remaining.

□ 1843

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chair, on rollcall No. 515 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 13, as follows:

[Roll No. 516]

AYES—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
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)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
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
Holden
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
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
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
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
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—13

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Lynch
Reyes
Richmond
Stivers
Sutton

□ 1847

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 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 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 174, noes 242, not voting 15, as follows:

[Roll No. 517]

AYES—174

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
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)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
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
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
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
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—15

Akin
Bishop (NY)
Culberson
Dicks
Garamendi
Herrera Beutler
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Meeks
Reyes
Richmond
Stivers
Sutton

□ 1851

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings

were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 240, not voting 14, as follows:

[Roll No. 518]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
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)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
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
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
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
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
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
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

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Lewis (GA)
Meeks
Reyes
Richmond
Stivers
Sutton

□ 1855

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GRIFFIN of Arkansas. 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. GINGREY of Georgia) having assumed the chair, Mr. SIMPSON, 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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–623) on the resolution (H. Res. 741) providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 134, CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

Ms. FOXX. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider House Concurrent Resolution 134 in the House; that the concurrent resolution be considered as read; and that the previous question be considered as ordered on the concurrent resolution and preamble to adoption without intervening motion or demand for division of the question except 30 minutes of debate equally divided and controlled by Representative COFFMAN of Colorado and Representative PERLMUTTER of Colorado or their respective designees.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

HOUR OF MEETING ON TOMORROW

Ms. FOXX. 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 gentlewoman from North Carolina?

There was no objection.

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4078.

Will the gentlewoman from Missouri (Mrs. HARTZLER) kindly take the chair.

□ 1900

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R.

4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. HARTZLER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 112–616 offered by the gentleman from Massachusetts (Mr. MARKEY) had been disposed of.

AMENDMENT NO. 6 OFFERED BY MR. WATT

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–616.

Mr. WATT. 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 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO CERTAIN INTELLECTUAL PROPERTY RULES.—An agency may take a significant regulatory action if the significant regulatory action is a regulatory action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including rules implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) INTELLECTUAL PROPERTY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule is a rule made by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. WATT. Madam Chair, I yield myself such time as I may consume.

Madam Chair, after 6 long years of negotiation, thoughtful consideration, and bipartisan cooperation, we passed a patent reform bill which was signed into law on September 16, 2011, by President Obama. At the time the bill was passed, Speaker BOEHNER said:

Modernizing our patent system for America's innovators and job creators is an important part of the Republican Jobs Plan. This bipartisan measure reflects our commitment to find common ground with the President on removing barriers to private sector job growth, and I am pleased to see it signed into law.

Under the America Invents Act, we the Congress, Republicans and Democrats, directed the United States Patent and Trademark Office to issue 20 implementing rules. Of the 20 implementing rules, seven have already been implemented, nine have been noticed, and four are under development. Under this bill that we are considering today, that entire process would be stopped in its tracks.

Among the most troubling aspects of stopping the rulemaking process in this case is a rule that would be specifically designed to assist micro entities in securing patents for their inventions. It's a law that says, once the rule is adopted by the Patent and Trademark Office, micro entities will get a 75 percent reduction in the filing fees that they have applicable to them.

The Director of the Patent and Trademark Office has said:

The new micro entity provision in the America Invents Act makes our patent system more accessible for smaller innovators by entitling them to a 75 percent discount on patent fees. By paying discounted patent fees as micro entities, smaller innovators can access the patent system to move their ideas into the marketplace.

Although the micro entity definition became effective September 16 when the President signed the bill into law—the date of enactment of the patent reform bill—the discount is not available to these small entities until these rules are passed, and this bill would make it impossible for us to adopt the rules.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Madam Chair, I first would like to say I supported the America Invents Act, supported it in committee, and I've got great news for you and great news for me, and that is I don't see any evidence that the rules to which you referred would total $100 million in impact and meet that threshold. I just don't believe that's the case. So this amendment is unnecessary. Even if they do meet that threshold, there are several ways that they could be brought to Congress for approval.

The amendment, like so many others offered here tonight, seeks to carve out one set of regulations while leaving all the other regulations under the bill. Surely folks have their favorite regulations that they want to save and defend, and like a number of other carveout amendments, this one is just not necessary. Titles I and II of the bill, for example, already exempt regulations, as I indicated, that will not impose $100 million in cost on the economy.

Surely the regulations this amendment seeks to protect, those that will streamline patent application processes, will save the economy money, not impose more cost. There is, thus, no need to worry that they will be affected by these titles of the bill.

Meanwhile, title III of the bill imposes balanced improvements in transparency, public participation, and judicial review for regulatory consent decrees and settlements. It will not prevent the Patent and Trademark Office from settling regulatory suits by consent decree or settlement. For these reasons, I oppose the amendment.

I reserve the balance of my time.

Mr. WATT. Madam Chair, I yield myself such time as I may consume.

Let me get this straight. We have passed a bill on a bipartisan basis that directs that rules be written, and then we want, when the rules are written, to have it come back to Congress so that we can approve those rules. Tell me, first of all, what sense that makes.

Second of all, the gentleman obviously is not aware of some of the corporations that have started off as micro enterprises if he does not believe that this measures up to his $100 million, or whatever the threshold is. Let me read him some of the companies that started off as micro enterprises.

What about Google or Apple or Instagram or Microsoft or Facebook, a whole litany of people that, were this 75 percent reduction in fees not in effect, might have been discouraged from ever even applying for a patent. So this notion that this doesn't add up to $100 million, or whatever this threshold is, is just false.

The notion that we would tell the administration to adopt a set of rules and then say, okay, we're going to micromanage you and you've got to come back over here so we can cross your T's and dot your I's in a noncontroversial way like this and delay the process of innovation in our country is just nonsensical.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. While I appreciate the passion of the gentleman from North Carolina, it doesn't change the fact that it's very unlikely that the impact on the economy would be $100 million or more. That has nothing to do with the sales of the company. It has to do with the impact of the regulation on the economy.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT. 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 North Carolina will be postponed.

□ 1910

AMENDMENT NO. 7 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–616.

Mr. LOEBSACK. 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:

Page 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) CONSUMER PROTECTION FROM HIGH FUELS PRICES EXCEPTION.—An agency may take a significant regulatory action if such action would have the effect of lowering the price of oil or the wholesale or retail price of oil, gasoline, diesel, or other motor fuels.

Page 10, after line 4, insert the following new paragraph:

(3) likely to result in lower oil prices or lower wholesale or retail prices for oil, gasoline, diesel, or other motor fuels;

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I wish to offer this amendment to provide the opportunity to lower the price of gas and oil. The purpose of my amendment is very simple: it's to ensure that our constituents are not disadvantaged by blindly holding up actions that potentially lower oil and gas prices. It will allow significant actions to move forward that would lower prices for gasoline, diesel, oil or other motor fuels.

We know that some regulations can be problematic when they aren't crafted carefully, with broad input and consideration for effects on the ground. We all know that and we all agree with that.

In fact, I've supported legislation in the past to give small businesses a bigger role in crafting regulations that affect them, and I am a member of the bipartisan Congressional Regulatory Review Caucus.

But we also know that there are some regulations that can protect public health, make our economy function more smoothly, and provide opportunity for all Americans to succeed. And as we struggle to recover from the worst recession since the Great Depression, there are families across the country making hard decisions about whether to put food on the table, clothes on their back, or gas in the car. Middle class folks we all know have been hurt disproportionately by higher gas prices, and that's why this amendment, I believe, is so important.

I think it would be irresponsible to pass legislation that would actually have the opposite effect, potentially, of its intention in a number of areas, gas prices being one of them.

Rural Americans, like those in my home State of Iowa, are more likely to have older vehicles, especially trucks, and farmers and others in rural areas need trucks. That is their mode of transportation.

Rural residents also—I think it's unknown to a lot of folks who live in urban areas—on average, drive 3,000 miles per year more than their urban counterparts, a disparity particularly evident when considering commutes to work.

My amendment will ensure that actions taken that would lower gas, oil, or other motor fuels, the prices of these commodities, can move forward and save money for all Americans and for Iowa families. If there is an action that could lower gas prices, I would think that we can all agree that it should move forward to benefit families and businesses and farmers who are struggling just to make ends meet.

If this legislation under consideration were already in effect, no significant actions could have been taken this year to lower oil and gas prices during a time of record costs, and we all had conversations about that on this floor earlier this year.

I've pushed for initiatives to utilize more American-produced energy, but as our Nation continues to be dependent on foreign sources, American families' costs at the pump continues to be subject to the fluctuations of speculators and manipulation. And we've already heard from some Members previously about that issue.

I think we need to be focusing our attention on becoming more energy independent through a variety of energy sources. We need an all-of-the-above approach to domestic energy production. There's no doubt about that. And ensuring that actions to move forward that would lower oil or gas prices in the U.S. is part of an all-of-the-above approach where we need to be looking at all options.

I truly hope that my colleagues will support what is truly a commonsense amendment, I believe, and I urge my colleagues to ensure that our hands are not tied by this legislation and to take actions to lower gas prices. I think we can improve this bill, and I think this amendment will do that.

I reserve the balance of my time.

Mr. FARENTHOLD. I claim time in opposition.

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

Mr. FARENTHOLD. I rise in opposition to this amendment which would provide an exception for regulations that attempt to manipulate the price of oil, gas, and other fuels.

As I was listening to my colleague from across the aisle, I was struck by the fact that he didn't actually mention any possible regulations that could do that. I also would like to point out that our hands, as Congress, are not tied. This bill ties the hands of regulators.

If he is able to come up with a good idea to lower fuel prices, he can bring it to Congress, we can pass it, the Senate can pass it, and the President can sign it, just the way the Founding Fathers intended.

Just to be clear, I also want to point out that nothing in H.R. 4078 prevents the administration from taking any number of actions that would increase the supply of domestic oil and gas and lower the price of gasoline at the pump. The passage of this amendment, however, would do nothing to lower the price at the pump.

Now, I realize this amendment seems to preserve the option to impose price controls. That's the only thing I could think of that it could do. We learned back in the 1970s that price control does nothing but lead to shortage and lines at the gasoline pump. There's absolutely no reason we need to return to the failed policies of the Carter administration.

Now, if the current administration were truly interested in providing relief at the pump, there are any number of actions they could do to increase the supply of oil and gasoline and lower the price at the pump. But the Obama administration's done little to tap into vast domestic resources that would increase the supply of American oil.

Rather, under President Obama, permitting and leasing on Federal land is actually down. Alas, the President has also vetoed or is opposed to the Keystone pipeline, which would have connected not only Canadian oil to refineries in the South but would have also have connected the new finds in North Dakota in the Bakken shale sands.

Canadian sands production is expected to double to 3 million barrels a day between 2010 and 2020, and domestic oil production will increase by as much as 20 percent. The lack of a Keystone XL-like pipeline means slower, less reliable, and less safe forms of transportation that will continue to necessitate transporting domestic oil from North Dakota by much more expensive and much less safe means of truck and rail, rather than pipelines.

Lowering the cost of that transportation would lower the cost of that crude oil and would lower the cost of gasoline at the pump. As a matter of fact, a barrel of North Dakota Sweet sells for $62. That's lower than the international price of oil, predominantly because of the additional transportation costs necessary to bring it down to be refined in the refineries that are currently set up in this country.

If this Bakken oil were made available to the rest of the country we would see an economic boom. We would see lower prices for gasoline at the pump. We would see more jobs in America. The east coast, in particular, needs this oil and this gas made available to bring costs down.

Bakken may lead to some price relief there. But it will also open Canadian oil. We talk about energy independence, but realistically, North America is the energy unit that we should be looking at for providing our source. As we tap resources throughout the United States, Canada, and Mexico, we are going to be able to become energy independent much more rapidly than anyone ever thought as these new technologies develop to let us reach oil and gas deposits that we never, even 10 years ago, thought was possible.

I was talking to a geologist just recently when I attended a field hearing in North Dakota, and he told me, when he was in school, they always considered shale to be the source and would never be able to tap it. But technology has proved that wrong. And, in fact, even with our current technology, we're only getting a small percentage of the actual oil trapped in that shale.

I'm confident that, as our technology develops, that is going to become more and more available, and this is going to take care of it.

But what we know is what's running up the price of oil and gas is excessive government regulation. And if we can put a hold on government regulation, so our businesses can know what they have to do to comply with those regulations, and not have the goalposts moved in the middle of the game, we'll have new refining infrastructure built, we'll have new factories built, we'll have new jobs created, and we will get to an unemployment rate of 6 percent a whole lot faster, I think, than anybody is predicting.

This bill is a rational step to put the brakes on an oppressive government that is stifling job creation. And carving holes in it and creating loopholes, like this amendment would do, only weakens that and will slow our path to recovery. So I urge my colleagues to defeat this amendment.

I yield back the balance of my time.

□ 1920

Mr. LOEBSACK. Madam Chair, how much time is remaining on my side?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. LOEBSACK. I don't know where to begin. I don't have enough time to respond to everything that was said by my colleague on the other side of the aisle.

What I will say at the outset is that this has nothing to do with the Carter administration, that it has nothing to do with any previous regulations, that it has nothing to do with cost control. This is a very simple amendment. I think, if one reads the amendment, one will find that there is absolutely nothing in the amendment that is feared by the gentleman from the other side of the aisle. It's that simple.

In fact, it's this kind of debate, if we want to call it that, that is something that is very upsetting to the American people at this time and is something I hear in Iowa all the time. We've got to have a rational debate that is based on fact. There is nothing in this amendment whatsoever that the gentleman referred to. The amendment, itself, because it is so simple and because it is open-ended, would allow for many of the very same things that the gentleman on the other side of the aisle suggests that we ought to do and that I may very well be open to doing myself.

I think that's what's important about this amendment. It's simple. It's open. In fact, it allows for the very kinds of things that he mentioned to go forward. If this amendment is adopted, I think it would vastly improve the underlying bill along the lines that the gentleman, himself, argued.

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

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

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

Mr. LOEBSACK. 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 Iowa will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–616.

Ms. RICHARDSON. Madam Chairwoman, 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 3, after line 26, insert the following new paragraph:

(3) necessary to properly implement the provisions of (and amendments made by) the Patient Protection and Affordable Care Act (Public Law 111–148) and the provisions of (and amendments made by) title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152);

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. I would like to extend a thanks to Chairman SMITH and to Ranking Member CONYERS for having their hard work brought to fruition here with this legislation.

Madam Chairwoman, the Richardson amendment would allow the government to take significant regulatory action if and when the monthly national unemployment rate is above 6 percent, thereby allowing for the action and proper implementation of the Patient Protection and Affordable Care Act and the health provisions of the Health Care and Education Reconciliation Act of 2010.

The sponsors of H.R. 4078 suggest the legislation will promote job growth. I argue that the Affordable Care Act, when fully implemented, will promote job growth, support economic growth and spur deficit reduction in our economy in terms of the deficit that we currently are experiencing. My amendment is intended to ensure that adequate health care through the Affordable Care Act can be fully implemented.

Because so many Americans rely on their employers to have access to health care, high levels of unemployment can leave many of our U.S. citizens uninsured and underinsured. When the monthly unemployment rate is above 6 percent, something this Nation has unfortunately incurred for approximately 2 years now, that is the very time, I would argue, that our government was created to assist U.S. citizens and all of those who obviously need health care. A strong economy needs healthy workers.

There is a common and persistent misconception that the Patient Protection and Affordable Care Act will pose an undue burden on small businesses and will limit job creation, but this is absolutely untrue. Rather, the Affordable Care Act offers $40 billion in tax credits for small businesses to help pay for employee health insurance coverage. In 2011, this tax credit was used to pay for the coverage of over 2 million uninsured Americans. In my home district, the 37th Congressional District of California, 510 small businesses have already received this tax credit to maintain or expand the health insurance coverage for their employees.

The Affordable Care Act also establishes health insurance exchanges in which small business owners and employees can pool their buying power to shop for affordable plans. Beginning in 2014, all the plans offered in these exchanges will have guaranteed sets of minimum benefits to ensure that small businesses are not faced with gaps in coverage or fine print restrictions, which are documented problems that have plagued recipients in the past.

Despite the unfounded claims that this bill will raise taxes for everyday Americans, the Affordable Care Act will bring a significant and immediate savings to the middle class at a time when we need it most.

With that, I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Madam Chair, this amendment would exempt regulations to implement ObamaCare, the President's health care law, from the regulatory freeze.

Fear and uncertainty among job creators of the coming regulatory tidal wave to implement ObamaCare is certainly holding back our economic recovery. The Congressional Budget Office projects that ObamaCare will cost over $1.1 trillion. For American small businesses that are already struggling to stay afloat, this is a staggering burden.

If you want to know what small businesses think about the bill that is before us, I will tell you that, in Arkansas, they support it, but they certainly do not support ObamaCare. I would also point out, Madam Chair, that the NFIB, the premier small business organization in America, supports the bill.

It is estimated that ObamaCare will require nearly 160 new boards, bureaus,

bureaucracies, and commissions. Overall, the Federal Government will issue, roughly, 10,000 pages of new regulations to implement the so-called ''health care reform.'' Yet this amendment would exempt these regulations from title I of the Regulatory Freeze for Jobs Act.

At a time when we should be working to repeal ObamaCare and to replace it with patient-centered health care reform, this amendment simply makes no sense. I would also point out, Madam Chair, that if there are regulations that the Obama administration wants to see proceed through the process, they can certainly send them to Congress and see if we will approve them. We can take a look at them, see if they make sense, see if they do what they intend, and see if it's right for the country.

For these reasons, I oppose this amendment.

I reserve the balance of my time.

Ms. RICHARDSON. Madam Chairwoman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 2¼ minutes remaining.

Ms. RICHARDSON. I am convinced that President Obama does care, but today, I am here to talk about the Patient Protection and Affordable Care Act.

Regarding that act, I think it's important to note that this amendment is not simply a blanket exemption; rather, it deals with the time when unemployment exceeds 6 percent. For those American people—many of whom I represent, who have struggled through no fault of their own to be able to gain employment—this is a significant exemption that is needed.

Madam Chairwoman, when we look at the implementation of the Patient Protection and Affordable Care Act, it passed this body in Congress; it passed the body in the Senate; it was signed into law; and now it has been upheld by the Supreme Court of the United States. Health care reform is finally here to stay, and the time has come for us to commit ourselves and our attention and our efforts in this Congress to wholeheartedly supporting its enactment. Where changes and revisions and improvements need to be made, we have an opportunity to do so.

The Richardson amendment I bring forward today does not obligate additional funds to address health care reform. It would simply give the Federal Government the freedom—the freedom that we all believe in—to pursue all available options in the future, especially in the greatest times of need. My amendment ensures that the Patient Protection and Affordable Care Act is implemented without adding time and cost-consuming procedural burdens.

I urge my colleagues to join me in supporting Richardson amendment No. 8 and to reaffirm this Nation's commitment to providing the basic necessity. Certainly, I think that equates to the level of the right to the pursuit of happiness, which is what America was built on.

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

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

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

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

Ms. RICHARDSON. Madam Chairwoman, 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.

□ 1930

AMENDMENT NO. 9 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 112–616.

Ms. RICHARDSON. 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 3, after line 26, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(3) necessary to carry out the Fair Credit Reporting Act;

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Madam Chairwoman, the Richardson amendment simply improves the bill by allowing for necessary regulations to be promulgated when the monthly national unemployment rate is above 6 percent in order to protect consumers against unintended consequences that they might suffer under the Fair Credit Reporting Act.

This amendment promotes job growth by ensuring small businesses have fair and accurate credit scores to obtain competitive interest loans. This amendment enables the appropriate Federal agencies, such as the Federal Reserve, the Federal Trade Commission, and the Consumer Financial Protection Bureau, to issue regulations necessary to protect consumers and to promote small businesses.

The Fair Credit Reporting Act, also known as FCRA, is an important piece of legislation that protects the accuracy, fairness, and the privacy of information collected at credit bureaus. It gives consumers the right to view and challenge the information in their respective credit reports. Although this legislation was originally passed well over 40 years ago, this issue has remained in the forefront of public consciousness, and in 2003 we had provisions that were added to deal with identity theft.

The Fair Credit Reporting Act requires that consumer reporting agencies, also known as CRAs, ensure that they provide up-to-date information and remove negative information after 10 years. These requirements mandated by the Fair Credit Reporting Act provide entrepreneurs with fair credit scores and enable them to seek competitive loans to start or expand small businesses.

There are 28.6 million small businesses in the United States, and small businesses create two out of every three jobs in this country. In the State of California that I represent, small businesses employ more than 50 percent of the State's 16 million workers and represent 90 percent of the job growth for higher income.

With that, Madam Chair, I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Madam Chair, I yield myself such time as I may consume.

I would say to my colleagues that the Fair Credit Reporting Act should not be singled out for special treatment.

This bill is about creating jobs; and the American people know, as we know, and as rational people looking at the process of regulation know, that higher regulation out of Washington means lower job growth. In particular, what this amendment would do is further constrict access to credit. Furthermore, this bill does not inhibit any individual from getting their free credit report or from having access to their credit report.

What this bill prevents, however, is an agency like the CFPB, which is a very powerful agency with an unconfirmed director. The President went around the process that the Senate has outlined for Senate confirmation. It's a very controversial appointment. They've taken these powers, and they can write very costly and expensive rules. Those costly rules inhibit credit opportunity for Americans, if not done correctly. We've seen some actions already out of this agency that raise great concerns that it's going to be very costly to small banks and to small businesses.

Let's avoid that. Let's reject this amendment. Let's create jobs by passing this bill.

With that, I reserve the balance of my time.

Ms. RICHARDSON. Madam Chair, how much time do I have remaining?

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

Ms. RICHARDSON. Madam Chair, in relation to the comments that have been made, I'd like to speak to why the fair credit reporting agencies would be exempted in this particular amendment.

When you consider that we're national representatives—and rational legislators do know, I would say, and I think small business owners are aware, that without capital, without the ability to have appropriate credit scores and not to be able to extend that, not to be able to get appropriate capital to have your business to be successful, there are no jobs. There is no thriving economy. That's why, in fact, this Agency should be exempted.

The statistics are clear: small businesses are the key to our economic recovery and our continued growth. Relieving the financial burdens of small businesses stabilizes the uncertainty and encourages critical job growth. Entrepreneurs and small businesses are the engines of innovation and economic growth, and the small businesses in my district are at the forefront of that innovation.

It would be wrong and counterproductive to limit the Federal Government's ability to support small businesses when they need it most. I urge my colleagues to join me in supporting Richardson Amendment No. 9 and reaffirming our commitment and this Nation's commitment that when businesses need the assistance, when they, in fact, can qualify for the assistance, that improper reporting or old reporting certainly shouldn't hinder their ability to have that vibrant business.

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

Mr. MCHENRY. Madam Chair, I would say in closing that the Fair Credit Reporting Act should not be singled out for special treatment, nor should the Consumer Financial Protection Bureau be singled out for special treatment. We should not treat the CFPB rulemaking powers differently than any other Federal agency dealt with under this legislation before us.

Let me also say to my colleagues that it's very important to note that law enforcement actions will continue. Bad actors can continue to be rooted out, regardless of this legislation. That power is still given to the CFPB and other law enforcing agencies across the government. Furthermore, consumers will continue to have access to their credit reports, and this amendment doesn't address a consumer's ability to get that credit report.

Furthermore, let's create jobs by eliminating regulations that inhibit job growth. Let's roll back this uncertainty and give the American people a level of certainty and some expectation of the regulatory framework they have to work under. That's the way we help small businesses be able to take that risk, be able to get that access to credit so they can create jobs, and maybe even keep the doors open and the lights on.

With that, I urge my colleagues to reject this amendment and pass the underlying bill.

I yield back the balance of my time.

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

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

Ms. RICHARDSON. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 10 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 112–616.

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:

Page 5, strike lines 4 through 7 and insert the following:

(3) CONGRESSIONAL ACTION.—With respect to any submission by the President under this subsection—

(A) Congress shall give expeditious consideration to the submission by taking appropriate action not later than the end of a 7-day period beginning on the date on which the submission is received; and

(B) in the case that Congress fails to act upon the submission during such period, section 102(a) shall not apply.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Madam Chairman, my simple amendment would clarify the congressional procedure for acting on the President's written congressional waiver request as provided for in the bill.

Based on their remarks today, it appears my friends on the other side of the aisle view the availability of congressional waivers as sufficient to ensure commonsense, popular safeguards such as rules benefiting veterans with catastrophic injuries, assisting students with loan debt, or providing families with peace of mind that the peanut butter their children eat will not poison them.

□ 1940

So they are not blocked by this bill's arbitrary across-the-board moratorium action on significant rulemaking actions because there is a waiver provision.

Yet for all of the emphasis on the importance of these congressional waivers, this bill, H.R. 4078, only provides vague, unclear guidance concerning how such actions would proceed on the President's waiver requests. H.R. 4078 only specifies that Congress shall give each submission by the President ''expeditious consideration'' and take ''appropriate legislative action'' without defining these terms in statute. Anyone who has watched this 112th Congress here in the House knows that they shouldn't put undue faith in terms like ''expeditious consideration.''

Republican claims to the contrary notwithstanding, as currently written, the congressional waiver provisions seem designed to spur effective talking points, not exactly an efficient process for considering Presidential submissions.

My simple amendment ensures that if the President requests a necessary and urgent waiver, such as the flexibility for the Department of Labor to issue a rule protecting coal miners from black lung disease, expeditious consideration shall not take longer than 1 week. This simple amendment takes no position on the wisdom of the given waiver request. It simply requires the Congress, whether it decides to approve or disapprove a President's request, to do so within 7 days.

As the numerous amendments filed by my colleagues demonstrate, the majority of the President's waiver requests will address noncontroversial, yet critically important, rules that protect our Nation's veterans, families, workers, environment, and economy. By supporting this perfecting amendment, Members will ensure that no American is endangered because of congressional inaction.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. As I have said with regard to the other amendments that we have discussed here tonight, Madam Chair, there are several exemptions in the bill, and there is also the waiver, as the gentleman from Virginia has discussed.

Now, before I get to the waiver, I would like to point out that, unless I'm missing something, I think that the safety of peanut butter that I and my 2-year-old and my 4-year-old eat—I like crunchy; they like creamy—I think it's already regulated. And if it's not, we certainly make provision for that to happen. I, like the gentleman from Virginia, want to make sure people are protected. I happen to also be a veteran, and I certainly want to see veterans taken care of.

I want to make it clear that our bill does not go back and repeal regulations that are finalized and in place. What it does is it says, let's take a deep breath; let's have a time-out; and let's allow the many small businesses and other job creators in this country an opportunity to catch up.

We've heard a lot about small businesses tonight. And I will point out once again that the premier small business organization in this country is the NFIB, and they support the bill.

Now, with regard to the gentleman from Virginia's amendment, the Regulatory Freeze for Jobs Act will put a moratorium on unnecessary regulations that will cost the economy $100

million or more until the economy recovers. But even the administration admits that regulations can kill jobs and hinder economic growth, although this doesn't seem to have prevented them from issuing more and more of these most costly regulations.

Title I of the bill is carefully drafted to allow the President to issue certain necessary regulations during the moratorium period, such as regulations that implement trade agreements, for national security, for criminal and civil rights laws, the enforcement of those laws, and for an imminent threat to health or safety or other emergency. For any necessary regulation not covered by one of these exceptions, we have the congressional waiver that the gentleman from Virginia referred to. Under it, the President can ask permission for Congress to make the regulation, to approve it. This is entirely appropriate, since the Constitution vests in Congress ''all legislative powers.''

But this amendment could totally undermine the moratorium by allowing the President to swamp Congress with waiver requests. If Congress doesn't act on each request within 7 days—and the amendment doesn't specify whether this is calendar, session, or legislative days—then the waiver is deemed granted. With its track record of dramatically increasing the regulatory burden on the economy, this administration has shown that it cannot be trusted not to abuse the process this amendment would create. For these reasons, I oppose the amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. May I inquire of the Chair how much time is left on this side.

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member of the Oversight and Government Reform Committee.

Mr. CUMMINGS. Madam Chair, I support the amendment offered by Mr. CONNOLLY.

The congressional waiver provision in this underlying bill is a farce. It requires the President to ask Congress its permission to issue a regulation and then wait for both Houses of Congress to approve the waiver. Give me a break. That could take months in the best case, but the more likely scenario is that it would never happen at all—and everybody knows that.

By adopting this amendment, we can ensure that the President can truly issue regulations when needed. Under this amendment, the waiver provision in the underlying bill will be changed so that if Congress doesn't act within 7 days on a waiver request submitted to it by the President, the waiver would be granted.

Let me be clear: under this amendment, Congress would still have the opportunity to object to a regulation when necessary. This amendment simply ensures that Congress' failure to act doesn't prevent the President from issuing needed regulations.

The majority claims that the congressional waiver provision in the underlying bill will ensure that the President can still issue important regulations. If the majority really intends to give the President that flexibility, they will adopt this amendment.

I hope my colleagues will join me in supporting this amendment.

Mr. GRIFFIN of Arkansas. I would just point out, Madam Chair, that the part of the bill that the gentleman from Maryland calls ''a farce,'' the Founding Fathers might refer to it as ''balance of powers.'' And that's what we're trying to do here, allow Congress to share in the process since we are the source of all legislative power. That is just another reason that I oppose this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Of course I know my friend from Arkansas knows his history. That was the whole battle of Federalist versus anti-Federalist. The Federalists won out. That's how the Constitution of the United States got adopted, a more powerful government to help the union of the States.

Madam Chairman, I will close by simply noting the irony of opposing any kind of finite time limit. The very organization cited by my friend from Arkansas, NFIB, screams the loudest about uncertainty. Yet here we are, going to have expeditious consideration that could take weeks or months here in this body, and we're not going to put a finite time limit to give them the predictability and the certainty that they say they want. I think it's the minimum required in this legislation if we really mean to effectuate change.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. 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. 11 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 112–616.

Mr. POSEY. 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:

Page 6, line 14, insert after the period the following: ''Such award shall be paid out of the administrative budget of the office in the agency that took the challenged agency action.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

Madam Chair, today in Washington, bureaucrats are able to craft and enforce rules that cost our economy billions of dollars while remaining aloof to the consequences of their actions. There remains a disconnect between those who write these rules in the comfort of the Beltway, generating reams of red tape, and the actions taken by the courts or Congress to delay or roll back those same rules.

When a regulator has overreached, they have wrongfully robbed American citizens of their benefits, of their labor, and their means of productivity. Today there is really no penalty for those who overreach. I believe regulators should be more prudent and measured when drafting and issuing rules and regulations.

□ 1950

My amendment simply calls agency bureaucrats to account when they exceed their delegated authority.

Section 104 of the underlying bill permits a court to award reasonable attorney's fees and costs to a small business when they prevail in a suit against an agency that has exceeded their statutory regulatory authority.

My amendment takes this as a step further by requiring any attorney's fees and costs be paid out of the administrative budget of the particular office that is found to have exceeded that authority. I believe this will give regulators greater pause before they issue regulations and will cause them to double-check to make sure that they are on solid ground. When an agency overreaches, what they are fundamentally doing is denying an American citizen their right to pursue opportunity, create jobs, or enjoy the benefits of their labor.

In a sense, they are basically robbing someone of their opportunity. Outside of the regulatory environment, when someone takes property that belongs to someone else, there are criminal sanctions if we catch them doing it. In the regulatory environment, however, the best that an American citizen can expect from the Federal Government is ''I'm sorry,'' and that's at best.

We change that in this bill. With the adoption of my amendment, we change that for the particular regulators that exceed their authority. If adopted, this amendment will give more certainty to the regulatory process, and it ensure regulators are more prudent when drafting regulations. We make sure that any damages are not paid out of the agency slush fund but, rather, out of the administrative budget of the offending office. That brings personal and government accountability to the

regulatory process, something that's desperately needed. Now they will have some skin in the game, so to speak.

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

Mr. NADLER. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I strongly oppose the Posey amendment because it makes even worse an already deeply problematic provision.

Under title I of this bill, a court is required to award attorney's fees and costs to a ''substantially prevailing small business'' in any civil action to challenge an agency's compliance with the moratorium. That provision further states that a small business can be substantially prevailing in the meaning of the bill even in the absence of a final judgment in its favor ''if the agency that took the significant regulatory action changes its position after the civil action is filed.''

There are two problems with this. First, it doesn't matter if the agency's change in position had absolutely nothing to do with the civil action. A court would still have to award attorney's fees to a small business that challenges an agency's compliance with the moratorium in court, even if the change in policy had nothing to do with the lawsuit.

Bad as this provision already is, the Posey amendment makes it worse by requiring that any award of attorney's fees and costs be taken out of the defendant agency's budget. Agencies are already straining under diminishing financial and staff resources, thanks in no small part to the budget priorities of this House during this Congress. Further debilitating agencies by taking fee awards out of their budgets—even under circumstances when their change in position had nothing to do with the underlying lawsuit—further damages agencies' ability to do what Congress tasked them with doing, namely, protecting public health and safety.

What this amendment says is, if an agency has a regulation which, in its judgment, it must issue to protect the public health and safety and a small business sues to stop that, and even if the small business doesn't prevail, if there is any change in the agency's position, and even if that change in position has nothing to do with the subject of the lawsuit by the small business, it must pay attorney's fees. And, under this amendment, it must pay attorney's fees out of its own budget. That is dangerous because it will debilitate the agencies that we task with protecting the public health and safety.

Second of all, it is self-defeating. If you are the agency and you know if you are going to change your position in any way you're going to have the pay the attorney's fees out of your own budget, better don't change. Fight the lawsuit. Don't give in. Fight the small business because you may win; while, if you change your position in any way, if you compromise, if you say, you know, they don't have that great of a case but we can accommodate them by making a small change—no, then you have to pay attorney's fees out of our own budget. So don't accommodate them. Don't comprise with them. Don't make the change. Fight them to the bitter end. That doesn't help the small business, and it certainly doesn't help the American people who need these agencies to police the marketplace and to protect the public health and safety. So it defeats its own purpose. It is just wrong on so many levels.

I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. POSEY. I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in support of this amendment. If an agency improperly makes a regulation during the moratorium period, as written, the Freeze Act would allow a small business that successfully challenges the action to collect attorney's fees. The gentleman from Florida's amendment would strengthen this provision by ensuring that any attorney's fees awarded under title I come out of the agency's budget and not from the general Federal Treasury through, for example, the judgment fund. If an office or agency defies the law and tries to make a regulation that should be subject to the Freeze Act, then that particular office or agency should bear the consequences of forcing a small business to go to court to vindicate its rights.

For these reasons, I support the amendment.

Mr. NADLER. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. NADLER. Madam Chair, I yield myself such time as I may consume.

Again, we oppose the bill to start with because we shouldn't have a moratorium on rules that are intended to protect the public health and safety that may be necessary.

But second of all, this amendment is self-defeating because if a small business sues the agency, two things. Number one, let's assume that the agency thinks that the small business' suit has some merit, not enough to win the case, but some merit. Under this amendment, the agency cannot compromise, cannot say, You're right; we'll make this change, because the moment it makes a change, even a minor change, then it is no longer the prevailing party. The small business, under the definition of the bill, is the prevailing party and will get attorney's fees, and the attorney's fees come out of the budget—maybe the small budget—of the agency. So rather than yielding in any way, rather than compromising with the small business, fight them. Fight them tooth and nail. That's what this amendment says to the agency. It is, on its own terms, silly and self-defeating, and I urge its defeat.

I yield back the balance of my time.

Mr. POSEY. Let me tell anyone who may not have ever seen a war with an agency over agency rules before, they dig in and they fight to the death anyway, whether it's coming out of their budget or not. I've seen them lose at three levels with a private citizen and go after them yet a fourth time because their pockets are bottomless and they hope they can break the back of a citizen like that.

You know, what make this country unique is we believe we get our rights from God. We believe in inalienable human rights here, and we give rights to government. Government doesn't give us rights. We give rights to our government. And we're charged with administering the rights that were given to our government here in Congress. And we give the administration, we give the agencies the right to write rules, specific rules. We don't allow them, without our authority and beyond the scope of their authority, to abuse citizens, to steal their productivity, their labor, and the benefits that they've worked hard for. And that's what the agencies have done. We have asked them not to do it. They've reformed the Administrative Procedures Act a number of times. The agencies just don't get the message. They see it as their goal and their destiny to be the boss.

Congress is supposed to have dominion over the bureaucrats, and this is one of the ways that we're going to enforce that dominion. We don't let the fox run the henhouse.

I yield back the balance of my time.

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

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

Mr. POSEY. 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 Florida will be postponed.

□ 2000

AMENDMENT NO. 12 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 112–616.

Mr. NADLER. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, insert after ''guidance'' the following: ''(other than a rule or guidance regarding the safety of a civilian nuclear power plant)''.

Page 19, after line 25, insert the following new subsection:

(d) EXCEPTION.—The provisions of this title shall not apply in the case of a consent decree or settlement agreement pertaining to a civilian nuclear power plant.

Page 65, line 17, strike ''section (p)'' and insert ''sections (p) and (q)''.

Page 66, after line 5, insert the following:

''(q) EXCEPTION FOR CERTAIN PROJECTS.—This subchapter does not apply in the case of any project that pertains to the safety of a civilian nuclear power plant.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Madam Chair, I yield myself 4½ minutes.

Madam Chair, I rise in support of my amendment, which would exempt rules to protect nuclear power plant safety from titles I, III, and V of the bill.

It is rare that the premise of an entire week of legislative work on the House floor is wrong, but, here we are here. We are told this is ''regulatory week,'' during which House Republicans are supposedly working to see that the yoke of oppressive government regulation is thrown off and the American entrepreneur is freed to grow his or her business and increase jobs. In thinking about this view, I am reminded of a famous line in Shakespeare's MacBeth, ''It is a tale told by an idiot, full of sound and fury, signifying nothing.''

We have heard, and will continue to hear, a lot of sound and fury this week on the House floor, but just like all the other regulatory bills the House has passed this year, what we pass this week will die in the Senate as well. So all of that talk will signify nothing. Like health care repeal, on which we have taken 33 votes, this, too, is a tremendous waste of time.

More importantly, there is no evidence to support the position that overregulation is the major cause of our slow economic growth and high unemployment rate. According to the Economic Policy Institute, ''economy-wide studies do not find a significant decline in employment from regulatory policies.''

The real culprit of our slow growth and high unemployment is reduced aggregate demand. Do not just take my word for it—this is what economists and business are saying. The Wall Street Journal surveyed dozens of economists last July, and it found that the ''main reason U.S. companies are reluctant to step up hiring is scant demand.''

The National Federation of Independent Business found that when business owners with declining sales were asked the cause, 45 percent said declining sales. Only 10 percent said higher taxes and regulations.

If all of this is true, why are we here making it harder for the government to enact protective rules and regulations to protect the public health and safety?

Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush administrations, suggests an answer. He has said:

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

Let us look at what the bill that this canard has brought us would do. To me, it seems like Frankenstein. It's put together from various different pieces that do not fit together, and it is very frightening. For example, the underlying bill would block all and any major efforts to protect public health, safety, the environment and so on until the unemployment rate falls below the arbitrary figure of 6 percent; and the bill would impose needless costs on the government and make protecting health and welfare that much more difficult by putting impediments to agreeing to consent decrees and settlements. What all this means is that the most potentially dangerous industries, like nuclear power, the safety of the American public would be put at serious risk by this bill.

My amendment would attempt to make this Frankenstein bill slightly less of a horror show by exempting the issue of nuclear power plant safety from three sections of the bill.

The dangers of nuclear power are well known. One accident can doom millions of people. Because of the almost unimaginable disaster that could happen at a nuclear power plant, regulations to prevent accidents or meltdowns in advance are critically important. The underlying bill would make it harder for the Nuclear Regulatory Commission to adopt such rules or policies, thereby putting millions of lives at risk.

Hampering the ability of the NRC to require safety measures like those necessary to prevent a meltdown in the event of an earthquake or an act of terrorism could be devastating. My amendment would free the NRC from the burdens of this bill and allow it to promulgate those rules and regulations necessary to protect us from the disaster of a nuclear catastrophe such as those that occurred at Chernobyl in Russia or at Fukushima in Japan.

I urge everyone to approve the amendment, and I reserve the balance of my time.

Mr. ROSS of Florida. Madam Chair, I rise in opposition to the amendment.

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

Mr. ROSS of Florida. Madam Chair, this amendment would unnecessarily exempt regulations from title I and consent decrees and settlement agreements contained in title III. Title I already contains adequate exceptions for necessary covered regulations. Agencies do not yet need another loophole to make regulations by consent decree or settlement agreement.

As to title V, the part of the bill that was formerly known as the Responsibly and Professionally Invigorating Development Act, also known as the RAPID Act, this amendment would block needed construction projects from breaking ground.

Unemployment is stuck above 8 percent and millions of Americans are looking for work. The March 2011 Project No Project study identified 351 energy projects, including nuclear projects, that, if approved, could generate $1.1 trillion for the economy and 1.9 million jobs.

I appreciate that the gentleman is concerned about the safety of nuclear power, but this act does not require agencies to approve or deny any particular project or permit application, nor would any agency ever act on a permit application before all of the relevant review and analysis has been completed; rather, the act establishes a reasonable timetable for agencies to follow when conducting environmental review and making permitting decisions. This will give job creators and investors confidence that the process will not drag on indefinitely.

The act is consistent with the administration's own guidance and rhetoric and with the President's Jobs Council's recommendations. It builds upon bipartisan legislation that passed the 109th Congress, which has dramatically reduced the time it takes to prepare environmental impact statements for transportation projects. In short, the road to economic recovery runs through permit streamlining.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. NADLER. Madam Chair, first of all, we're dealing with nuclear regulatory authority, with nuclear power plants, and we're not dealing with small businesses. We are dealing with very large businesses. Secondly, we're dealing with permits for construction or modification of a nuclear power plant.

Because of the disaster at Fukushima, hopefully, we learned from experience, it may very well be that the Nuclear Regulatory Commission will want to put out new regulations or modify old ones in light of what we have learned from what the Japanese didn't do right, and this would say that they could not promulgate any such regulation as long as unemployment is above 6 percent. As long as unemployment is above 6 percent, we must continue to risk all of our lives. That makes no sense.

Second of all, yes, we want to do environmental streamlining. Well, what this bill says—and this would apply to this, too—is that if an environmental

impact statement takes longer than a certain number of days, forget about it. But it's the sponsor, not the Nuclear Regulatory Agency, the sponsor that controls the timing of the EIS.

So if you've got a terrible project which you know is an environmental disaster, all you have to do, under this bill, is to slow-walk the EIS because you control it, and then you don't have to worry about any environmental consequences. That's backwards, it's upside down, and it risks the public safety.

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

Mr. ROSS of Florida. Madam Chair, let's look at this. If the sponsoring agency decides to hold back and there is a presumption or approval, who better to have the onus of having to prove that it should not be built than those who fail to act as opposed to those who are ready to act?

The one thing that we found out is that the regulatory environment is so burdensome that whatever recovery our country attempts to pursue right now is being strangled. Polls show it. A Gallup poll on February 15 of 2012 among 85 percent of U.S. small business owners who are not hiring, nearly 46 percent of these cited being worried about new government regulations. Small business owners cite complying with government regulations as their most important problem.

It is overwhelming that we have placed in the hands of bureaucratic agencies unaccountable authority that is strangling the business recovery of this country. This bill as it is, without this amendment, will allow for the streamlining and 4½ years of the permitting process, and the permitting process will allow us to invest private capital to create private sector jobs.

With that, I urge opposition to this amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. 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 York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112–616.

Mr. MCKINLEY. 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:

Page 8, line 5, strike ''$100,000,000'' and insert ''$50,000,000''.

Page 8, line 25, strike ''$100,000,000'' and insert ''$50,000,000''.

Page 27, line 18, strike ''$100,000,000'' and insert ''$50,000,000''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

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Mr. MCKINLEY. Madam Chairman, I rise today to offer an amendment that will add more clarity and accountability to the regulatory process.

Under this bill, Congress will require additional analysis and reporting on all government regulations affecting the economy by $100 million or more annually. This amendment simply reduces this threshold of $100 million to $50 million.

In FY 2011, nearly 4,000 rules were published in the Federal Register; only 83 of these rules were classified as having an annual effect on the economy of $100 million or more. This represents only 2.1 percent of all the rules published. Thus far in 2012, 2,071 rules have been published, and 51 of these have been projected to have an annual effect on the economy of $100 million or more, equating to just 2.4 percent.

According to the Small Business Administration, the cumulative burden of regulations exceeds more than $1 trillion annually on our economy, costing more than $10,000 per household. Regulations are clearly impacting our economy by this astounding $1 trillion amount each year, and nearly 98 percent of these rules have virtually no economic analysis or oversight.

We have more than 23 million Americans underemployed or unemployed. This political maneuvering in rulemaking has to stop. The American people sent us here to improve the economy and help them get back to work, but not to allow the promulgation of more questionable, job-hindering regulations.

When I served in the West Virginia legislature in the eighties and early nineties, no regulations were adopted until the legislature approved them—not just a few here and there, but every single regulation came before the legislature for approval, significant or otherwise.

Not conducting analysis and reports on nearly 98 percent of all government agencies' proposed regulations confounds and confronts our job creators with potentially excessive and burdensome rules.

Madam Chairman, as a reminder, in 1995, Congress passed the Job Creation and Wage Enhancement Act, which dealt with lowering the regulatory threshold from $100 million to $50 million, just as this amendment would do today. That bill passed the House by a vote of 277–141, including many Members who are present here today.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise in opposition to the amendment.

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

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

I strongly oppose the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY), which would make a very dangerous bill even more devastating to the American people. If implemented, this amendment would broaden the scope of this legislation to impede the issuance of even more rules than are impeded by the underlying bill itself.

By lowering the threshold at which a ''significant regulatory action'' is measured from rules that have an annual cost to the economy of $100 million or more to just $50 million or more, the legislation would prevent the implementation of important rules whose benefits far outweigh their costs.

One of the things that we do not zero in on with regard to this legislation overall—and we saw it in our committee—is the cost-benefit analysis. I think it's very, very significant, when you think about the fact that there are certain regs which save lives, many which protect our constituents with regard to their pocketbooks, all kinds of things. Sometimes when you just look at the cost of a business coming in and complaining, as opposed to balancing it with regard to benefits, sometimes I think things get out of balance.

The amendment clearly illustrates why Cass Sunstein believes a moratorium on the issuance of regulations is such a bad idea. As he stated at an Oversight Committee hearing last September, he said:

A moratorium would not be a scalpel or a machete, it would be more like a nuclear bomb, in the sense that it would prevent regulations that cost very little, and have very significant economic or public health benefits.

This amendment only increases the size of the bomb we are dropping.

Just one example of a pending regulation that would be halted by this amendment is the Securities and Exchange Commission's proposed rule implementing a section of the Dodd-Frank Act to reduce the purchase of ''conflict minerals''—minerals whose sale by combatants in the Democrat Republic of Congo is known to fund the human rights abuses perpetrated by these combatants.

Dodd-Frank requires the SEC to issue a rule directing publicly held companies to disclose whether any of four metals—gold, tantalum, tungsten or tin—used in the products they produce came from Central Africa, where trade in these commodities has funded years of civil war. The SEC issued a proposed rule in December 2010, but has delayed finalizing the rule in response to fierce business opposition and business lobbying. This proposed rule is estimated to cost industry $71 million per year.

The benefits of this rule cannot be quantified, simply cannot. By ensuring

that publicly traded companies in the United States track the supply chain of minerals and disclose whether their purchases are financing armed groups responsible for committing atrocities—killing people, rapes, hurting people—this proposed rule will save lives and help prevent sexual and gender-based violence. Adopting this amendment would prohibit the issuance of this regulation intended to help quell international violence and help end a humanitarian crisis.

We simply cannot put financial profit, as I said a few minutes ago, above our moral obligation to protect the most vulnerable among us. So, ladies and gentlemen, I urge Members to oppose this incredibly dangerous amendment, and I reserve the balance of my time.

Mr. MCKINLEY. Again, Madam Chairman, I just respectfully disagree with the comments made, recognizing, again, that this House has already spoken on this matter of reducing it from 100 to 50.

The real issue here is whether or not we want to have 98 percent of the rules that are being promulgated to go without oversight and review. It's time that we get this under control and allow more of our people to get back to work.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I hope that the body will vote against this amendment.

I yield back the balance of my time.

Mr. MCKINLEY. Madam Chairwoman, I just encourage my colleagues to support this amendment and, once it's adopted, to support the piece of legislation that's so needed.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

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

Mr. MCKINLEY. 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 West Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112–616.

Mr. SCHWEIKERT. 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:

Page 8, line 10, insert after the period the following: ''In determining the annual cost to the economy under this paragraph, the Administrator shall take into account any expected change in revenue of businesses that will be caused by such regulatory action, as well as any change in revenue of businesses that has already taken place as businesses prepare for the implementation of the regulatory action.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2020

Mr. SCHWEIKERT. Madam Chairman, my amendment hopefully is deemed to be somewhat simple, as this piece of legislation moves forward, trying to make sure that definition of cost from the regulatory environment, is properly, shall we say, a proper box is built for it. So the amendment in many ways is very simple.

The costs to organizations, a business, a business concern—as rules are being promulgated, that business is spending money to get into compliance. Those costs should also be calculated and put into the cost to the economy calculation.

Secondly, as the calculations are being built, it should also—the calculations should take a look at what it did to the revenues of organizations, because those revenues are what are used to hire people, to grow, to expand the economy and, actually, ultimately, expand the tax base.

So the amendment's very simple. It basically says, as the calculations are being made for cost of regulations, okay, let's actually add them up in a fashion where we actually acquire the real cost.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR (Ms. HAYWORTH). The gentleman from Maryland is recognized for 5 minutes.

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

I strongly oppose the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT), which would make an already ambiguous bill even harder to implement. The amendment proposes to define the term ''annual cost to the economy'' as including ''any expected change in revenue of businesses'' caused by such regulation, including any change in revenue as a result of preparing for the implementation of the regulation.

Imagine the consequences of this amendment. If it would cost a business any additional funds to ensure that baby formula does not contain toxic substances, that business could block a regulation requiring those safety measures. Is that really how we want to run our country?

The truth is that businesses routinely blame regulations for costs they already incur. For example, power companies routinely blame the EPA for the fact that high-cost coal plants struggle to compete in today's market with lower-cost natural gas plants. Despite the fact that many of these coal plants are shut down because they are uncompetitive, some repeatedly blame EPA regulations for forcing their closings.

The intention of this amendment appears to be to give businesses a veto over any regulation they oppose just by claiming that it's implementation somehow affects their bottom line. Since it would be virtually impossibility for OMB to confirm or deny such claims, they would be irrefutable.

Now, I do believe that the cost of regulations imposed on industry should be one of many factors considered when we compare the overall costs and benefits of a rule. But these costs should not be the overriding factor to be considered, as this amendment would require.

The amendment is just another example of the misguided effort to put business' profits before the health and safety of the American people. Therefore, I urge Members to oppose this unworkable and harmful amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Reclaiming my time, Madam Chairman, and I appreciate the gentleman from Maryland's comments. But he hit one part there, and that is you do believe that the costs to industry, to business, to job creators should be calculated. It's just the debate here is how they should be weighted and how ultimately, I assume, how they should be documented.

All I'm trying to accomplish here with this amendment is a couple of very simple mechanics, those costs that go into the preparatory to be in compliance with the newly promulgated rule should be calculated, and that the calculation of the cost in the net revenues, gross revenues, to a job-creating industry should also be part of that calculation.

And part of this was the bill is—I obviously fully support it, but I thought actually creating a little tighter definition of many of the types of costs that happen in a regulatory environment. I mean, obviously we will have a separation on the view of does it stymie regulation.

I'm from the view that I truly believe one of the great hindrances to economic growth, to job growth in this country is the substantial growth of our regulatory environment.

Okay, if we're going to run legislation that says regulations that exceed a certain cost, you know, are held till employment reaches a certain level, why not make sure we're calculating those appropriately?

Madam Chairman, with that, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I stand on my arguments, and I yield back the balance of my time.

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

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

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112–616.

Mr. GEORGE MILLER of California. Madam Chair, I seek to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert after the period the following: ''Such term does not include a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.''.

Page 10, after line 13, insert the following:

(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.

Page 10, line 14, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, my amendment would allow the Occupational Health and Safety Administration to continue efforts to prevent combustible dust and fire explosions in the workplace. Combustible dust explosions threaten lives, limbs, jobs and property across this country. And it's abundantly clear that Federal regulatory action is needed, but the bill before us today threatens to block that action.

Beginning in 2003, the Chemical Safety Board investigated three major explosions caused by combustible dust in North Carolina, Kentucky and Indiana, where 14 workers lost their lives. As part of its investigation, the board identified hundreds of other combustible dust fires and explosions, causing at least 119 fatalities and 718 injuries over 15 years. The board recommended that OSHA issue rules to protect against these hazards because the existing OSHA protections were inadequate.

The investigators were not alone. Family members have also asked that action be taken.

Tammy Miser of Kentucky testified before Congress how her brother, Shawn Boone, was killed in a metal dust fire in an aluminum wheel plant in Huntington, Indiana, in 2003.

She told us how Shawn suffered from this horrific event. She said that Shawn did not die instantly. He laid on the smoldering floor after the explosion while aluminum dust burned through his flesh and muscle tissue. His breaths burned his internal organs as the blast took his eyesight.

Shawn was still conscious and asking for help when the ambulance took him. He lived for a number of hours before he finally succumbed to his injuries.

Shawn wasn't the first to die at work this way, and he hasn't been the last.

It's been more than 4 years since the Imperial Sugar explosion in Georgia. That explosion killed 13 workers. It caused hundreds of millions of dollars in damage. The tragedy was the result of unchecked accumulation of sugar dust that ignited and caused a chain of explosions, and Port Wentworth sugar refinery was leveled.

These workplace explosions have not stopped. There have been 23 major combustible dust fires or explosions that have killed 15 and injured 35 since that Imperial Sugar explosion in Georgia.

The response of OSHA has been to begin the development of a rule to reduce the risk of combustible dust explosions. That rule should be allowed to go forward, and this bill threatens the opportunity of that bill to go forward.

I reserve the balance of my time.

□ 2030

Mr. LANKFORD. I rise in opposition to the amendment.

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

Mr. LANKFORD. While I can certainly, certainly empathize and have tremendous compassion for the families involved and for the individuals involved in this, OSHA has been working through this rule since 2009. It has been in the advanced rulemaking phase for a very long time. The struggle they have is this large one-size-fits-all approach. Even under the passage of this particular bill, OSHA has some great options.

Option No. 1 for them: to narrow their rulemaking. They're doing a large one-size-fits-all to try to cover all types of dust, all types of factories, all types of places. If they were to narrow their rule to specific types of places, they would be well under the $100 million limit.

The second rule they have is very clear: that this bill, itself, already sets in an exemption for health and safety. Clearly, this would be within those guidelines of health and safety. The President could do an executive order and pass that and then allow them to move forward, or he could come back to Congress.

The thought that only the folks at OSHA are compassionate about issues like this fails even the most modest of tests. Obviously, people who are within Congress are also compassionate to the needs here. If a regulation comes that deals with a problem in a commonsense manner that can function, certainly Congress would be able to approve that, and certainly a President is going to have tremendous compassion for the health and safety of individuals if they're able to come up with a regulation that clearly deals with this.

So, while I have tremendous compassion for these families and look forward to OSHA's completing what they have been stalling on for 3 years, this bill already deals with this, and this exception is not needed in addition to this.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. So, as for these workers who work in these dangerous conditions around all kinds of dust that explode on a moment's notice—without any notice, in fact—they should rely on the idea that we would all be compassionate here.

The subcommittee that reported this legislation asked people in the industry, and they immediately targeted this standard.

This won't be about the compassion of Members of Congress. This will be about the interests and the lobbying by the special interests to keep this dust standard from going into effect. It will not meet the requirement of imminent danger because it happens all the time. We have about 18 of these a year. It happens all the time. People are killed all of the time in different settings and with different dust. This isn't about one size fits all. This is about dust that explodes and kills people and burns them to death on the job. It destroys the workplace, and in some cases it's never rebuilt and the jobs are never brought back. In other cases, as in one of these cases, the employer is now saying, Give us this dust standard. Give us this dust standard.

The workers in this country have a right to rely on the law to protect them, not on some notion of this committee or of this Congress' sense of compassion and of whether it will be invoked on that given day or not against the lobbying efforts by these industries.

It's about the law that protects workers and their families—workers who get up and go to work every day, whose families hope they get to come home at night, but it doesn't happen for a lot of workers. In these industries with combustible dust, it happens over and over and over again. They get killed on the job. I've been here a long time working on combustible dust. Let me tell you, the industry doesn't say, Ah, gee, we've killed enough people. Let's all just kind of hold hands and see if we can come up with something.

It's complicated. You must do it right. It's based upon science. It's based upon research so that you can isolate the dust so the explosions don't happen.

But this legislation suggested by the committee notices in the committee that this is one of the regulations that they would target. They can use the old conundrum ''one size fits all.'' Do you know what? If you're working around combustible dust, you want the dust that you have taken care of. So maybe we can whittle it down. We'll take care of some of the dust but not all of the dust because we can get under the $100 million rule.

What are you talking about? These are the lives of the American people. These are the lives of working people. This is an interesting notion you have.

It just doesn't fit in the workplace. It just doesn't fit in the daily lives of these people who are threatened by these horrible, horrible, horrific incidents that take place usually through no fault of the workers. Other decisions were made about not keeping the plant clean. Other decisions were made about not installing equipment that could mitigate this under the old standards.

That's the reason we need the law, the reason the workers in this country need the law—not some expression of compassion late at night in an empty Chamber of Congress. Tell them to rely on that, that one night in an empty Chamber of Congress the proponent of the legislation said, We'll be compassionate when this comes to the floor. We understand this. We'll grant you a waiver. We'll figure it out.

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

Mr. GEORGE MILLER of California.

* * *

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

The gentleman from Oklahoma is recognized.

Mr. LANKFORD. How unfortunate to have the implication that Members of Congress, including myself—I have workers in my district who live with this same thing—would not have compassion for people in our districts. OSHA has not completed this regulation. They have delayed this. They've had multiple options. They need to complete their work. There is a work safety issue that's here.

As it is currently, the bill stands up strong for worker safety. It allows any exception for worker safety currently in this bill. So, while exceptions are pursued to add additional things into this bill, the bill, itself, already contains those things.

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

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

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

Mr. GEORGE MILLER of California. 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 MS. WOOLSEY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 112–616.

Ms. WOOLSEY. 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 8, line 10, insert after the period the following: ''Such term does not include a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.''.

Page 10, after line 13, insert the following:

(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.

Page 10, line 14, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Madam Chair, I rise today to offer an amendment to titles I and II of H.R. 4078.

My amendment would exempt a proposed worker safety rule from the ''regulatory freeze'' and the prohibition on so-called ''midnight rules.'' This OSHA rule would update 40-year-old protections for those working around high-voltage transmission and distribution lines and equipment, which would bring them into the 21st century. If this amendment is not adopted, Madam Chair, many workers will be needlessly electrocuted or burned from electrical hazards—at least until unemployment drops to 6 percent.

Are we really going to make workers wait until the jobless rate is 6 percent before getting protections for workers against burns from high-voltage electric arcs that run as hot as 35,000 degrees? If we are, they will be waiting a long time, because this Republican majority shows absolutely no interest in passing a jobs bill.

Is it fair, Madam Chair, to make these workers wait for 6 percent unemployment before their employers have to assess and provide safe minimum distances from high-voltage lines? Is it morally defensible to make workers wait for a full economic recovery before they get simple protections like rubber-insulated sleeves so that their arms aren't blown apart from having contact with high-voltage wires?

Certainly not.

Unless the bill sponsor is aware of some new scientific discovery, 35,000 degrees feels just as hot no matter how many Americans are out of work. Shock at 14,000 volts of electricity does the same damage whether unemployment is 8 percent or 6 percent. Yet this bill seems to assume lethal hazards are somehow less lethal during tougher economic times. Even worse, this bill implies that preventable electrocutions are somehow acceptable whenever unemployment is high.

□ 2040

This is irresponsible, if not unethical.

With that, I reserve the balance of my time.

Mr. LANKFORD. I rise in opposition to the amendment.

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

Mr. LANKFORD. I thank my colleague for bringing this up, but this again is something that is obviously dealt with already in the text of the bill. As we anticipated, there would be issues like this. On page 3, line 23 of the bill, it actually states the President has the ability, by executive order, in dealing with any significant regulatory action to go ahead and waive this, if it's necessary, because of an imminent threat to health or safety or other emergency.

This is already dealt with in the bill itself. While we do need to be able to deal with this, and obviously the vast majority of electricity providers are very attentive to their workers, including the companies that are in my district, and take great pride in how they care for the health and safety of the workers that are on those lines and that are out there in very dangerous situations, it is a very important thing to them. We have the ability already within this bill to be able to address that. For that reason, I would oppose this.

With that, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, each year, 74 electrical workers covered under this rule are killed on the job. Another 444 are severely injured. OSHA is authorized to regulate a hazard when the risk of fatality is more than 1 in a 1,000. The fatality rate for workers covered under this OSHA rule is 14 times that level. Full compliance would eliminate 79 percent of these fatalities and injuries.

Madam Chair, the one-size-fits-all approach of this bill will block a commonsense, cost-effective rule that produces an estimated $4 in benefits for every dollar in cost. OSHA's proposed update would provide an estimated $100 million in savings every single year.

While the authors of this bill argue that the President can seek a waiver from Congress to allow the rule, I'm not buying it. As we saw with the so-called ''comma bill'' proposed by Mr. SENSENBRENNER a number of years ago, it took three sessions of Congress just to fix a harmless typo. We all know that when a special interest wants to stop something around here, there are countless ways to win. If this bill is not amended, Madam Chair, Congress will be sentencing scores of workers every year to preventible electrocutions and to burns.

I ask for adoption of this amendment, and I reserve the balance of my time.

Mr. LANKFORD. Madam Chair, one quick statement.

This particular rule is unique in a lot of our conversation because it's already gone through the process. Currently, the OIRA office has, in fact, had it for the last 30 days. They could issue this at any point. This is right at that point that it's going to be released. It wouldn't even fall underneath this bill. Obviously, we pass this bill tonight, we send it over to the Senate, it works

through the process. OIRA can release this at any point that they choose to.

While I again have tremendous compassion for the workers that are on the lines, and I have tremendous respect for electric companies around the country and how they take care of their workers, this particular rule has already gone through the process, it already sits in OIRA, and it would not apply to them. With that and also with the knowledge that we have the exceptionary built in for safety, I would choose to oppose this and continue to do that.

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

Ms. WOOLSEY. Madam Chair, the gentleman from the other side of the aisle is not correct on this. If the President signed the bill, the regulation would be stopped.

In closing, Madam Chair, the adoption of my amendment will save the lives of Americans who work in some of the most dangerous conditions imaginable. It is ridiculous and it's downright cruel to tell these men and women who risk electrocution everyday that OSHA will only step in to help them when the jobless rate reaches some arbitrary level. Whether unemployment is 6 or 8 or 10 percent, whether the economy is strong or weak, we need to protect our workers.

I ask for Members to support my amendment, and I yield back the balance of my time.

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

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

Ms. WOOLSEY. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 18 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 112–616.

Ms. WATERS. I have an amendment at the desk that is made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 67, line 24, strike ''shall—'' and insert ''shall, subject to appropriations made specifically for such purpose pursuant to paragraph (7)—''.

Page 69, line 3, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (7),'' after ''shall''.

Page 71, line 7, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (7),'' after ''shall''.

Page 75, line 22, strike the close quotation mark and following period and after such line insert the following:

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

''(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.''.

Page 77, line 4, strike ''shall'' and insert ''shall, subject to appropriations made specifically for such purpose pursuant to paragraph (3),''.

Page 77, line 15, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (3),'' after ''shall''.

Page 78, line 22, strike the close quotation mark and following period and after such line insert the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

''(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chair, my amendment authorizes such appropriations as may be necessary to allow our financial regulators to carry out the activities required under title VI and VII of this legislation. The purpose of the amendment is that if we're having our regulators undertake new and perhaps even duplicative economic analysis functions, we should provide them with the resources to do so.

Madam Chairman, we know that the majority has tried to shortchange our Federal regulators in terms of appropriations, particularly when we contrast their funding with the new responsibility entrusted to them after the financial crisis. Let's consider the SEC, one of the cops on the beat for Wall Street.

This agency is tasked with enforcing our securities laws. They protect investors and make sure firms are held to account when they create toxic financial instruments. The fiscal year 2013 Republican budget proposal calls for funding the SEC at almost $200 million less than what the President has requested and what the Senate Appropriations Committee has provided in their funding bill. This is just another part of an onslaught of cuts to the SEC's budget that Republicans have proposed and that we've been fighting against over the last few years.

The SEC's funding has been erratic. After significant increases in the early half of the decade, the agency was forced to reduce staff. During this period of inconsistent funding, trading volume more than doubled. Since 2003, the number of investment advisers has grown by roughly 50 percent and funds that they manage have increased nearly 55 percent. The SEC's 3,800 employees currently oversee approximately 35,000 entities, including thousands of investment advisers, mutual funds, broker/dealers, and public companies.

With all this responsibility, my colleagues on the other side of the aisle want to spread the commission even thinner with new duplicative cost-benefit requirements that open the agency up to constant litigation, and they want to do this while at the same time refusing to devote additional resources to the agency. The result is that the SEC would be forced to divert resources away from other key functions of the commission, including, perhaps, prosecuting wrongdoers who violate our security laws.

Madam Chair, I reserve the balance of my time.

□ 2050

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. SCHWEIKERT. And to my friend from California, she has always been a passionate and very articulate in the battle for resources for the regulators.

But I'm going to stand here in opposition to this amendment for a couple of very simple reasons. One, this is already the job they're supposed to be doing with the money they have, this cost-benefit analysis. And we can talk about that further.

But also, as you work through the amendment, I have great concern for the law of unintended consequences, and that is, in a weird way, subsidizing and incentivizing bad cost-benefit analysis. In the amendment, it basically says, if you end up in litigation over your cost-benefit analysis, there should be an appropriation, an unspecified amount of money that the appropriators should send you for that litigation. So if you do a really bad job in your cost-benefit analysis and you get sued, you actually get more money that is supposed to be appropriated to you.

The sort of constant thing I focus on a lot is that law of unintended consequences of, does it actually create an incentive to draw down more cash for the agency, for the litigation? And the way you get to the litigation is the quality of the work that was done in the cost-benefit analysis.

So there are two primary issues: A, this is what the agencies are supposed to be doing; and B, in the design of the amendment, I actually have a concern that ultimately, it may incentivize the very thing we're trying to stop.

And with that, Madam Chairwoman, I reserve the balance of my time.

Ms. WATERS. Madam Chair, my amendment also addresses title VII of the bill, which relates to the Commodity Futures Trading Commission. The CFTC is the cop on the beat that

we tasked to regulate much of the derivatives market under the Wall Street Reform Act. And the CFTC is the agency that cracked down on Barclays when they manipulated a key interest rate benchmark, the Libor, in order to benefit their derivatives trade.

This bill also imposes new cost-benefit requirements on the CFTC. While the requirements on this agency aren't as onerous as the ones imposed on the SEC, I think it is inappropriate to spread the CFTC any thinner when Republicans have proposed to cut the CFTC's funding by 12 percent relative to last year and 40 percent relative to what the Senate provided.

As CFTC Chairman Gary Gensler said last month, the result of proposed House funding cuts ''is to effectively put the interests of Wall Street ahead of those of the American public by significantly underfunding the agency Congress tasked to oversee derivatives—the same complex financial instruments that helped contribute to the most significant economic downturn since the Great Depression.''

Finally, I disagree with the claim that more cost-benefit analyses can solve every regulatory question we face. In fact, I think that these economic analyses often offer a false sense of precision and fail to capture things that aren't easily quantifiable, things like avoiding the next financial crisis and protecting overall market integrity.

I would urge my colleagues to support my amendment, which makes compliance with the new requirements under the underlying bill contingent on them receiving sufficient appropriations to carry out these functions.

I reserve the balance of my time.

Mr. SCHWEIKERT. My two arguments still stand. But there is one other point. And I actually have a little bit of information here.

According to the inspector general of the CFTC, the commission regularly employs a ''stripped down'' type of cost-benefit analysis that has ''proved perilous for financial market regulators.'' In the past, they've used a stripped-down methodology.

So in many ways, what we're doing here in the overall legislation is saying, here's the box, you are supposed to be doing this, it's already part of your budget. And as I spoke earlier, in the design of the amendment, I have a fear of the unintended consequences that you are almost incentivizing; that when the litigation happens, the agency actually ends up getting more money.

And with that, Madam Chairwoman, I yield back the balance of my time.

Ms. WATERS. In closing, this bill adds duplicative new rules. SEC is already held to account on cost-benefit analysis. Proxy access was overturned. The bill opened CFTC up to new industry lawsuits.

I would ask for an ''aye'' vote on my amendment.

I yield back the balance of my time.

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

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

Ms. WATERS. Madam Chair, I demand a recorded vote.

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

AMENDMENT NO. 19 OFFERED BY MR. FITZPATRICK

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part B of House Report 112–616.

Mr. FITZPATRICK. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 71, line 12, add at the end the following: ''In reviewing any regulation (including, notwithstanding paragraph (6), a regulation issued in accordance with formal rulemaking provisions) that subjects issuers with a public float of $250,000,000 or less to the attestation and reporting requirements of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), the Commission shall specifically take into account the large burden of such regulation when compared to the benefit of such regulation.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Pennsylvania (Mr. FITZPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK. Madam Chair, the amendment I'm offering tonight would require the SEC, when reviewing regulations, to consider the burden of applying section 404(b) of Sarbanes Oxley to companies with a public float of less than $250 million. Simply put, this amendment requires regulators to consider the cost of a specific regulation which hinders job creation in my district and across the Nation.

Section 404(b) requires audits of a public company's internal controls. While this sounds innocuous, the cost of external audits can be staggering. Those costs are exponentially more burdensome on smaller companies. Currently, the law extends the auditing requirement to any company with a public float of $75 million or more, and that number has been widely criticized as too low and adds an extremely costly burden on small and growing companies.

Recognizing that burden on emerging growth companies, the House overwhelmingly passed, as part of the JOBS Act, an exemption from 404(b) for companies with up to $1 billion in revenue for 5 years after their initial public offering.

This amendment would merely require the SEC to consider the burden of section 404(b) when reviewing their regulations and would not change current law. This amendment would apply to all companies and would not discriminate based on when a company issued their IPO.

Congress and the SEC have appropriately recognized that all companies are not the same, and smaller companies should be exempt from certain regulations. This amendment asks that the SEC consider these costs on smaller companies.

If companies are priced out of being able to go public, it restricts capital formation and job creation. For those companies that still choose to go public, resources that could otherwise be used to hire and grow are being sucked away by unproductive compliance costs.

Madam Chair, Synergy Pharmaceuticals is a New York-based company that does their entire R&D in Doylestown Borough in my district. They have 10 employees in their Doylestown research facility and 10 employees in New York. These are good-paying jobs, but by most definitions, this is a small company. In fact, their market capitalization exceeds even the increased threshold of $250 million that this bill references, which is why some have advocated exempting companies with a public float as high as $500 million or $1 billion.

I reached out to their chief scientific officer and their chief financial officer to discuss this issue with them, and their comments were very instructive. I heard that 404(b) was one of the most significant regulatory burdens they face. In their words, ''It hurts.''

It was not the direct costs of external audits or the person they had to hire internally to deal with these requirements but the time that was spent and the efforts that were wasted. According to them, hours and even days worth of time was spent finding ways to document and justify their procedures for something as menial as where the checkbook was kept.

What would they do with the extra money if they didn't have to spend it on compliance? The answer I got was that there is no question it would go directly into research and development.

I ask my colleagues, where is this money more productively used: in documenting how the checkbook is stored at night or hiring research assistants in communities like Doylestown and in New York?

Madam Chairman, entrepreneurial companies like Synergy are those we are counting on to create wealth and jobs and restore America's vibrant economy. Their story is not unique, particularly in industries like biotechnology. This Congress recognized the importance of decreasing the regulatory burden on small and emerging companies in a strong bipartisan manner just a few months ago with the JOBS Act. This amendment is an extension of that effort, and I encourage my colleagues to support it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I rise in opposition, Madam Chair.

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

□ 2100

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 3 minutes.

This is an effort to exempt companies under $250 million. Now the JOBS Act, which was recently passed with broad support, said that a start-up company for its first 5 years would be exempt from this. This now would do away with that 5-year restriction without having had the kind of committee consideration that it seems to me it ought to have. It does it in this way, and I differ with my colleague from Pennsylvania when he says that it doesn't change the law. If it didn't change the law, they wouldn't offer it. He's not up here at 9 p.m. just to get exercise. It changes the law in a very significant way and sets a very bad precedent.

The underlying legislation to which this would be an amendment requires a cost-benefit analysis. This cooks the books. This is not content to let it be an unbiased cost-benefit analysis; but it says, it instructs the SEC to take into account the heavy burdens—and let me get the exact words—the large burden of such regulation. In other words, it's an effort to tip the scales of the very cost-benefit analysis.

And we know that, by the way, as to intent because the original version of this amendment was just a straight exemption of 250. But for parliamentary reasons, because that's not this committee's jurisdiction, it had to be redone. So if the gentleman really wanted to just exempt everybody under 250 from Sarbanes Oxley forever, as opposed to a 5-year exemption for a start-up, he had to amend it.

So he amended it in a way, as I said, that unfortunately impugns the integrity of the cost-benefit analysis because it puts a thumb on the scales. It says, oh, the cost-benefit analysis here should take into account the large burden. Well, it is already supposed to do it. Adding this is an instruction to the SEC essentially to find that they should be exempt.

We have had a rash of Chinese companies buying small American companies and converting them and people investing in them and getting taken. And the problem is that Chinese accounting is very opaque. What this bill would do is to prevent the United States authorities from applying Sarbanes Oxley to protect those investors.

I don't doubt that there is a very good company—I agree there is a very good company in his district, although he says it is above the limit. But you can't legislate for just one good company. This is part of this nostalgia for a time when we had no regulation.

Sarbanes Oxley has improved the integrity of our capital markets. It has improved the confidence of investors. We did exempt small start-ups, so for the first 5 years as a start-up, up to $250 million, they didn't have to do this. This says, in effect, by instructing the SEC to find that the cost outweighs the benefit no matter what, this gives a permanent exemption de facto for companies up to 250, which would include people who might be scamming, in the case of the Chinese companies. And as I said, it sets a bad precedent.

If we are going to have cost-benefit analysis, and I think that can be overdone, let's have it in an honest and open way. Let's not put the thumb in the scales, as this does, by instructing the SEC, in effect, to find that the cost always outweighs it.

I reserve the balance of my time.

Mr. FITZPATRICK. Madam Chair, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chair, I rise in strong support of Mr. FITZPATRICK's amendment.

Madam Chair, unemployed Americans are crying out for more jobs, urging Congress to review rules and regulations that stifle innovation, economic growth, and job creation. Overly burdensome regulations are hurting business expansion, which is why we are debating this bill this evening. Overly burdensome regulations is also why I introduced H.R. 3213, the Small Company Job Growth and Regulatory Relief Act, to expand Sarbanes Oxley 404(b) exemptions for companies with a public float of less than $350 million.

Supporters of increasing the current $75 million exemptions from Sarbanes Oxley 404(b) for small companies would save duplicative audit costs, which hinder many companies from going public. Going public provides opportunities for companies to raise needed capital in order to expand, reinvest, and create jobs.

Providing a permanent exemption for Sarbanes Oxley for companies with a public float of $250 million or less just makes good sense. I strongly encourage my colleagues to support this amendment.

Mr. FRANK of Massachusetts. I guess I am in a position of being disagreeable to some of my friends on the committee. The gentleman from Tennessee cited the company that's about to go public, but they're already exempted.

The jobs bill that we passed and was signed into law exempts start-ups for the first 5 years until they go public, so this has no relevance to the start-ups.

It has relevance to companies that have been in existence for more than 5 years as public companies. Again, we have got an exemption already for the first 5 years. And it says, in effect, don't give us this unbiased cost-benefit analysis. We'll tell you what cost-benefit analysis does.

And as to IPOs, I will insert into the RECORD an article by Mr. Davidoff in the The New York Times talking about the advantages we have in IPOs these days; how the soccer team from England came here to do an IPO because our corporate governance laws are more favorable to them in allowing different classes of stock.

I'm sorry to see this continuing repudiation of the legacy of George W. Bush. I know he's not going to come to the convention. But, gee, everything's being torn down. George Bush signed Sarbanes Oxley. Oxley, by the way, is Mike Oxley, my predecessor as chairman of our committee. George Bush was very proud of Sarbanes Oxley. It's an accounting requirement, and what this does is to take another chunk out of that regulation.

Now, maybe we hear different people. My friends say the American people are crying out for an end of regulation. Every indication I have of public opinion is that people are tired of irresponsibility by a few, not everybody, but they are tired of people being scammed. And, in fact, the notion that what we need in the financial area is less regulation is an odd one. It comes from people, I guess, who just slept through the last few years, didn't see the crisis we had because Sarbanes Oxley, of course, itself came about after Enron.

So I would align myself with President Bush. I think he got this one right. I think Mike Oxley got this one right. Yes, for start-ups and for people about to go public, they have a $250 million exemption. But to give a permanent exemption to companies at $250 million and above is a mistake. And don't, please, start monkeying with cost-benefit analysis.

I yield back the balance of my time.

[From the New York Times, July 10, 2012]

IN MANCHESTER UNITED'S I.P.O., A PREFERENCE FOR AMERICAN RULES

(By Steven M. Davidoff)

Manchester United, the English soccer team with an adoring fan base in Europe and Asia, is filing to go public in the United States.

But the initial public offering is not a reflection of Americans' increasing love of soccer. Instead, it is a reflection of American regulators' light touch.

I'm not kidding. The United States, which has long been criticized for its harsh rules surrounding I.P.O.'s, is now the place where foreign companies go to avoid regulation.

Manchester United may be the world's most popular soccer club, with 659 million fans according to the team's own estimates. In 2005, the American businessman Malcolm Glazer and his family bought control of the team, loading it up with hundreds of millions of dollars in debt. Now, the company is selling shares to raise money and reduce its debt, which stands at about $655 million.

But the Glazers do not want to give up voting control since, among other reasons, Manchester United fans appear eager to buy back the team from the still-unpopular family. In 2010, a prominent group of Manchester United fans were said to have tried to form a consortium to repurchase the club. The Glazers have uniformly given the same response: the team is not for sale. Now, the Glazers are venue-shopping for their stock.

They passed over the Hong Kong Stock Exchange because it would not give the team a waiver to allow two classes of shares, with different voting rights. The London Stock Exchange also does not allow such share structures, perhaps the reason this natural home was skipped over by the Glazers.

Manchester United declined to comment for this article.

The Singapore Exchange seemed more amenable to the Glazers' plan to list Manchester United and keep control through a dual-class structure. But after the exchange delayed final signoff on the dual-class shares and the Asian markets cooled, the Singapore plans were derailed, according to an article in Reuters.

The soccer team has recently found a home for its stock in the United States. Manchester United filed the papers this month for its initial public offering on the New York Stock Exchange, and the Glazers are taking advantage of the country's willingness to be more flexible when it comes to shareholder rights. Manchester United is proposing a corporate structure that would give the Glazers shares with 10 votes apiece. Public investors would receive one vote for each share.

While the Securities and Exchange Commission tried to ban this type of dual-class voting stock in the 1980s, a federal appeals court struck down the rules. Since then, the structure has become increasingly common. Facebook, LinkedIn and Google all have dual-class shares. The New York Times also has a dual-class voting structure. In 2011, 28 offerings featured dual-class structures that gave greater voting rights to certain shareholders, according to the research firm Dealogic.

The Manchester United offering is a case study in how the American markets have evolved toward deregulation in the past decade.

The company is a beneficiary of the newly enacted Jumpstart Our Business Start-Ups Act, known as the JOBS Act, designed to help private companies raise capital and go public. Although the team was founded in 1878, the JOBS Act classifies Manchester United as an emerging growth company since it has less than $1 billion in revenue. As such, the company, which is incorporated in the Cayman Islands, does not face the same hurdles as American businesses.

The JOBS Act builds on earlier efforts by the S.E.C. to loosen the rules governing I.P.O.'s of foreign companies. Under pressure from stock exchanges and other market players, the agency has exempted foreign issuers like Manchester United from large parts of American securities laws.

Manchester United will not need to file quarterly reports, report material events, file proxy statements or disclose extensive compensation information, all of which American companies must do. Under a different S.E.C. rule adopted in 2008, Manchester United also does not need to report financials under the generally accepted accounting principles used in the United States, but can instead rely on international financial reporting standards.

Because Manchester United will be a controlled company, it does not need to follow the New York Stock Exchange rules adopted in 2003 that require a public company to have a board composed mainly of independent directors. The board of Manchester United will have four directors, two of Malcolm Glazer's sons and two executives of the company.

The legal environment, which investment bankers and lawyers have long argued deterred I.P.O.'s, also appears to be more conducive. This may be because securities litigation reforms put in place by Congress and the Supreme Court have meant fewer cases in recent years. Even after the financial crisis, only 16 companies on the Standard & Poor's 500 were subject to this type of litigation in 2011, the lowest number since 2000, according to the Stanford Securities Class Action Clearinghouse.

It's all a bit unsettling.

After the enactment of the Sarbanes-Oxley Act in 2002, critics claimed that the new regulation was driving away foreign companies, although at least one academic study rebutted this claim. But as regulators have slowly loosened the rules, the American markets are attracting foreign issuers seeking watered-down rules.

This does not mean that this deregulation is wrongheaded.

The JOBS Act and other initiatives may not have been designed to attract the likes of Manchester United, but such I.P.O.'s do provide work for investment bankers, lawyers and the exchanges. They also build up American prestige by bringing well-known foreign companies to the United States.

At the same time, the deregulation effort means lower compliance costs for businesses. Presumably, that extra money can be invested, bolstering the economy.

The question is whether deregulation is worth the price.

I have little sympathy for investors who buy Manchester United shares. The risks are mainly disclosed.

The bigger question is whether lowering the bar for foreign issuers will come back to haunt the American markets.

Even before the JOBS Act, Chinese companies took advantage of new S.E.C. rules and started going public en masse in the United States. While some of the I.P.O.'s have worked out, there are now more than 100 newly public Chinese companies facing accusations of fraud by either investors or regulators.

The risk is that American exchanges will become more like London's Alternative Investment Market, a lightly regulated stock exchange that has fostered some spectacular flops. If so, investors may lose faith in American markets, and the United States may end up sacrificing long-term stature for short-term gain.

Either way, the next time someone calls the American markets overregulated, you might want to point them to the Manchester United I.P.O.—and remind them that the English soccer club came to the United States to avoid more burdensome foreign rules.

This post has been revised to reflect the following correction:

Correction: July 12, 2012.

The Deal Professor column on Wednesday, about the soccer team Manchester United's public offering in the United States, misstated the year that the Sarbanes-Oxley Act was enacted. It was 2002, not 2001.

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

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

Mr. FRANK of Massachusetts. 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 Pennsylvania will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part B of House Report 112–616.

Mr. POSEY. 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 title VI the following (and conform the table of contents accordingly):

SEC. 604. INTERPRETIVE GUIDANCE NULL AND VOID.

Notwithstanding any other provision of law, no interpretive guidance issued by the Securities and Exchange Commission on or after the effective date of this Act relating to ''Commission Guidance Regarding Disclosure Related to Climate Change'', affecting parts 211, 231, and 249 of title 17, Code of Federal Regulations (as described in Commission Release Nos. 33–9106; 34–61469; FR–82), or any successor thereto, may take effect, and such guidance shall have no force or effect with respect to any person on or after February 2, 2010.

SEC. 605. OTHER SEC ACTION PROHIBITED.

(a) FURTHER GUIDANCE RELATED TO CLIMATE CHANGE.—The Commission may not issue any interpretive guidance with respect to disclosures related to climate change on or after the effective date of this Act.

(b) VOLUNTARY SUBMISSIONS.—The Commission may not issue any interpretive guidance that would establish any requirements with respect to the content of or format for any disclosures related to climate change voluntarily submitted by any entity to the Commission on or after the effective date of this Act.

(c) CIVIL AND ADMINISTRATIVE ACTIONS.—No civil or administrative action or proceeding pertaining to disclosures related to climate change may be initiated by the Commission on or after the date of the enactment of this Act and any such actions or proceedings pending on such date shall be terminated.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to—

(1) prohibit the Commission from issuing interpretive guidance with respect to disclosures related to non-anthropogenic or natural climate variability observed over comparable time periods; or

(2) terminate an administrative action or proceeding pertaining to such disclosures.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

Madam Chair, my amendment stops the Securities and Exchange Commission from pursuing an agenda on climate change and keeps its focus, instead, on its core mission of protecting investors.

In recent years, we've seen the Madoff and Stanford Ponzi schemes bilk people out of over $70 billion. Many of these victims live in our districts. They are shocked and outraged that such a travesty could happen.

One would think that after such embarrassments, the SEC would do whatever it could to focus its finite resources on stopping the next Ponzi scheme. At the very minimum, it would make sense for the SEC to appear to get serious in safeguarding the public from fraud and corruption.

However, early in 2010, the SEC issued an interpretative guidance for companies to disclose the impact global climate change might have on their businesses. The SEC published this controversial guidance over the objections of dissenting commissioners. This

was done without direction from Congress and outside the traditional rulemaking process.

There are no laws in the United States explicitly addressing climate change. The guidance is inappropriate considering the SEC has bigger priorities.

I don't have to tell my colleagues that climate change is a controversial and an unresolved issue. From a securities perspective especially, climate change information on a disclosure is highly speculative, and dubious at best. If allowed to proceed, it invites all kinds of compliance costs and confusion down the road. And guess who will ultimately pay all those costs? Our constituents, the American public.

□ 2110

Importantly, my amendment does not stop companies from mentioning bona fide weather and environmental risks in disclosures. And if a company really wants to weigh in climate change for some reason, they're free to volunteer that information. It just keeps the SEC focused on what they're supposed to be doing, and that is protecting people and not forcing unrelated agendas down their throats.

I urge my colleagues to support the amendment and reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise to claim time in opposition.

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

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

Madam Chairman, Federal securities law requires financial disclosures by public companies for the benefit of shareholders and investors. The Securities and Exchange Commission provides detailed guidance on how to interpret and comply with these disclosure requirements, which are intended to ensure that potential investors fully understand a security before they purchase it.

The SEC recently provided guidance on existing rules that require companies to disclose the impact that business or legal developments related to climate change could have on a company's bottom line. They want investors to know about this.

These disclosures help investors understand how climate change affects a company's operations and their potential investments in the company. This amendment seeks to prevent this guidance from taking place. It seeks to keep investors in the dark.

Rules discussed in the SEC's guidance are clearly needed, and the SEC's guidance will help publicly traded companies understand how key areas of climate change—such as new legislation or international accords—could affect what they need to disclose to the public. This guidance is also intended to help companies explain how the physical impacts of climate change could affect their performance.

In issuing this guidance, the SEC did not opine on the science of climate change. The guidance seeks to help companies assess the possibility that events related to climate change may materially affect their bottom lines and trigger public disclosure requirements. This guidance is prudent and serves to benefit both the investor and the company.

Ironically, with this amendment, my friends on the other side of the aisle who proclaim the value of transparency are acting to hurt investors by denying them important information. This amendment would also harm Wall Street by preventing the SEC from issuing clear guidance to help publicly traded firms understand what they need to disclose on this topic to ensure full compliance with the law. It provides them certainty.

So I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

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

Mr. POSEY. The gentleman's points about disclosure are on point. They simply don't apply to what this amendment does. It does not deny required disclosure of risks. Let me be clear, thousands and thousands of American families were devastated by Madoff, by Stanford, MF Global and the like. People lost their homes, people lost their cars, people lost their children's education funds, and people lost their lifelong retirement savings. I could go on and on forever, but we have a limited amount of time.

The job of the SEC is to protect those people. The job of the SEC is to protect honest people from dishonest corporations and persons. It's not to impose other agendas on the American public. It's not to talk about the environmental stewardship of corporations. If a corporation dealing with securities does not disclose a significant environmental risk, then they're going to be liable for that failure to disclose. But it's not the SEC's job to talk about their stewardship.

The SEC knew for a decade—a decade—a full 10 years—over 10 years—that Madoff was stealing from people; and they refused to take any action for over a decade, and over $70 billion evaporated. People's lives were devastated. People died. People died. There are dead people because of what Madoff did. And the SEC didn't lift a finger. They were too busy doing other things.

Now, here we intend to put SEC back on the job and focus on what they're supposed to do: protect honest people from dishonest people.

I reserve the balance of my time.

Mr. CUMMINGS. When we had the SEC come before our committee, I made it very clear that I thought more could have been done with regard to Madoff, and I think it was extremely unfortunate what happened. But, again, that does not mean that we shouldn't provide clarity over all subjects which may affect investors. And that's what we're talking about here.

I'm going to rely on my argument, but I'm going to also yield to my good friend, Mr. FRANK from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The gentleman says the SEC wasn't on the Madoff thing for many years. That's true. I have to say that, while I supported the Bush administration on Sarbanes Oxley, I am critical of their administration of the SEC. For almost all of that time, we had an SEC that was not inclined to enforce. And I do not think the current SEC, under a very good chairman, Mary Schapiro, with a much more vigorous approach ought to be taxed for the failures that were ideologically driven by the previous SEC.

So I don't think it is valid to say, well, because they didn't catch Madoff—the SEC during the Bush administration reflected an unfortunate philosophy of non-regulation, of ceding to the company more autonomy than they should have, and it is not a good basis on which to legislate going forward.

I thank the gentleman for yielding.

Mr. CUMMINGS. I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 1 minute remaining.

Mr. POSEY. I have endured about all I care to, and I think a large percentage of the people in this Chamber and a lot of people in this country have endured about all the finger-pointing and blame that they can endure. I don't care who shot John. I don't care who was in charge of the SEC before. The point of this bill is to keep the SEC focused on protecting investors.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, how much do I have remaining?

The Acting CHAIR. The gentleman from Maryland has 1 minute remaining.

Mr. CUMMINGS. I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, a large percentage of the people in this room would be too; but, secondly, the fact is that the gentleman from Florida is who started pointing fingers. When I talked about who was in charge of the SEC, all of a sudden he is above any criticism. But he's the one who impugned the SEC. He's the one who said that the SEC sat and did nothing under Madoff. So, if you're going to accuse the agency, then it becomes relevant as to who was running it. I didn't raise the issue of who was to blame and who was at fault. I was simply responding to my committee colleague from Florida.

I thank the gentleman.

Mr. POSEY. Very poetic, but it's off point.

The amendment wants SEC to focus on protecting honest people from dishonest corporations and people, nothing more, nothing less, and nothing else.

I reserve the balance of my time.

Mr. CUMMINGS. Let me be clear, the SEC has the responsibility to disclose the information that investors need, and this is one of those areas. We want to protect investors with everything we have. I think this amendment flies in the face of that, and I would hope that the body would vote against the amendment.

I yield back the balance of my time.

Mr. POSEY. Madam Chairman, I appreciate the comments; and, once again, I implore my colleagues to support this good amendment to keep the SEC on task.

Their job is to protect investors from dishonest people and dishonest corporations; and with the passage of this amendment, we will do that.

I yield back the balance of my time.

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

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

Mr. CUMMINGS. 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 Florida will be postponed.

□ 2120

AMENDMENT NO. 21 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 112–616.

Mrs. MALONEY. 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:

Page 76, after line 14, insert the following new section (and conform the table of contents accordingly):

SEC. 604. EFFECTIVE DATE.

This title, and the amendments made by this title, shall not take effect until the date on which the Chairman of the Securities and Exchange Commission certifies to the Congress that implementing the provisions of this title, and the amendments made by this title, will not divert resources from the Commission's mission to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Madam Chair, I yield myself such time as I may consume.

My amendment concerns title VI of the bill and the enhanced cost-benefit analysis that it requires. The amendment very simply requires that title VI of the underlying bill needs to basically get in line behind all the critical and previously assigned responsibilities Congress has given to the SEC to keep consumers, investors, and our financial system safe.

My amendment would require the Chair of the SEC to certify that the Commission can perform its core mission of protecting investors and do the job it was created to do—safely maintain efficient markets and promote access to capital—before it diverts any of its resources to carry out the new requirements of title VI in this bill.

The financial reforms we enacted 2 years ago gave the SEC critical new tools to oversee a multitrillion-dollar market and to help ensure that we do not get ourselves into another financial crisis. And the reforms we previously enacted require the SEC to conduct extensive rulemakings and to complete a number of critical reports.

Unfortunately, this Congress has chosen to underfund the SEC and hamper its ability to provide the required oversight of the financial industry. The SEC is now facing a $195 million shortfall this year alone. They are also operating on a budget that is a 12 percent cut from what the President requested.

The SEC needs every dollar it now gets just to carry out its core mission: to protect investors, to implement Dodd-Frank, and to provide enforcement. I do not believe that it would be responsible on the part of this Congress to require that already strained resources be diverted from the SEC's core mission in order to comply with the new burdens of this title.

The Congressional Budget Office has made it quite clear that additional resources would have to be used to carry out the provisions of this title. Imposing these new and severe burdens on the SEC's cost-benefit analysis process would ensure that the SEC would be hard-pressed to carry out its fundamental regulatory functions. The SEC would have difficulty protecting investors even when it has identified harmful practices.

The SEC is already required to conduct a cost-benefit analysis, and recent court cases prove that, if the process has been insufficient, the SEC must start over.

Last year, for example, the SEC proposed a rule on proxy access to give shareholders more of a say into the activities of companies. The Court of Appeals for the District of Columbia very directly stated that their cost-benefit analysis had been inadequate. That represents a very real and a very effective existing check on the SEC's authority. But title VI of this bill will effectively shut down the SEC's rulemaking process altogether by requiring significant resources be directed to burdensome new requirements.

So I believe that before we hobble an agency that keeps consumers, investors, and our financial sector safe, it would be wise to require that the Chair of the SEC must certify that it will still be able to carry out its core mission before this provision can go into effect—also, because we already have a cost-benefit analysis.

In the wake of all the cost, the pain, and the dislocation of the Great Recession, we should not now cripple the SEC's ability to do its real job, that of protecting investors and our financial markets.

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

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

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

Mr. SCHWEIKERT. To my friend from New York, this is sometimes one of those amusing moments you get where we're both referring to the same litigation as part of our arguments against my side and for her amendment and somewhat making the point that, in that proxy rule litigation, demonstrating that the SEC actually didn't do the proper job. And actually, that's what the court stood up and told them.

One of the reasons—and maybe this is just the classic fundamental different view of what the Agency should be doing to ultimately protect investors and the economy and working towards capital formation—is you would think the Chairman of the SEC, instead of moving this to the bottom of the ranking, it would be at the very, very top. You would think, actually, in many ways you'd want to rewrite this amendment, at least from my view, flip it, saying one of the very first things the Chairman of the SEC does is come in and say, Hey, we did an appropriate, detailed cost-benefit analysis for this new rule and regulation, and here's the impact it has on the economy; here's the impact it has on job creation.

If we stand here repeatedly and say how much we care about jobs and economic growth, I would think that would be the order you would want to be pursuing. In many ways, this amendment—actually, not in many ways, it's what the amendment does—it actually does just the reverse. It lowers that to the bottom of that ranking.

With that, Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. May I inquire how much time remains on both sides?

The Acting CHAIR. Each side has 30 seconds remaining.

Mrs. MALONEY. In response to my friend on the other side of the aisle, regulations did not cause the Great Recession; it did not cause the loss of jobs. What caused the loss of jobs was the lack of regulation and the lack of enforcement, and certainly large swaths of the economy that were not regulated at all that brought on the Great Recession.

It was the regulations that Dodd-Frank has put in place, and restoring

the strength to the SEC to protect investors and to protect our economy, and putting hurdles and additional expenses in front of the SEC when they don't even have the money to enforce the new laws and things they have to do. They're very overburdened. So this is a reasonable amendment, and I urge its passage.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, just one quick comment I'll throw in there.

I'm part of the belief system that one of the great burdens right now in economic growth and to sort of that next generation of what's the next world of jobs that will be coming into our economy—how are we going to form the capital, how are we going to see what our future looks like—is actually, in many ways, what we're debating here. I do believe the massive growth in the regulatory environment over the last couple of years is stymying that next generation.

There is one point I also want to make. Think of the last decade. I'm doing this somewhat from memory, but I think a decade ago the SEC's budget was about $300 million. Today, I believe it's $1.35 billion. So it's up $1.05 billion in 10 years, to give you some sense of how much massive increase has been moved into the regulatory body.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. 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 gentlewoman from New York will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 112–616.

Mr. MANZULLO. 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:

TITLE VIII—ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION

SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

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

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term ''policy decision'' means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term ''agency guidance'' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or on an interpretation of a statutory or regulatory issue.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 2130

Mr. MANZULLO. Madam Chair, I yield myself 2 minutes.

Today I'm offering a commonsense, bipartisan amendment to H.R. 4078 with my good friend from North Carolina, MIKE MCINTYRE. This amendment would codify some of the administration's own policies regarding scientific integrity.

In March of 2009, President Obama announced a new policy on scientific integrity. This amendment requires agencies to follow their own scientific integrity guidelines.

It's important to consider that the nature of Federal regulations has been changing, with more and more decisions being made without developing formal, final agency actions. Instead, we see more and more major policy changes being made through the issuance of guidelines of the development of agency listings. The agencies will tell affected private parties that these guidelines or listings are not really regulations because they're not final actions. But the impact in the marketplace sure can be pretty final.

The Manzullo-McIntyre amendment codifies the requirement that the Director of OSTP require each agency to develop guidelines to maximize the quality, objectivity, utility, and integrity of scientific information used by Federal agencies.

The amendment requires appropriate peer preview, the disclosure of scientific studies used in making decisions, and an opportunity for stakeholder input. It also requires Federal agencies to give the greatest weight to information based upon reproducible data that is developed in accordance with the scientific method.

Further, it deems agency actions that do not follow such procedures to be arbitrary and subject to challenge by affected stakeholders. I would hope that my colleagues consider this amendment as an objective, bipartisan attempt at improving the regulatory process.

I reserve the balance of my time.

Mr. CUMMINGS. I rise to claim time in opposition to the amendment.

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

Mr. CUMMINGS. On first read, Madam Chair, this amendment may sound like a good idea. However, it's true effect would be to put the Director of the Office of Science and Technology Policy in charge of deciding whether any agency in the entire executive branch can make policy decisions.

The amendment says that no policy decision issued by any agency after the end of this year can take effect until that agency's guidelines on scientific integrity have been approved by the Director of the Office of Science and Technology Policy.

I agree that agencies should have strong guidelines on scientific integrity. In fact, agencies are already required to have such guidelines in place under a memo issued by President Obama. However, it's not realistic to expect that the Office of Science and Technology Policy could approve guidelines for every agency by January 1, 2013.

The amendment would undermine the integrity of science in the Federal Government by jeopardizing the ability of agencies to use our best science to

protect Americans' health and safety. Specifically, the amendment would block any ''listing, labeling, or other identification of a substance, product, or activity as hazardous, or creating risk to human health, safety or the environment.''

Under this amendment, for example, the FDA could not alert the public about a defective drug, the Department of Homeland Security could not implement safety measures to screen for terrorists, and the Nuclear Regulatory Commission could not recommend an evacuation zone if there was a nuclear accident.

This amendment, I'm sure, is well-intentioned, but the way it has been drafted makes it dangerous. I urge my colleagues to vote against it.

I reserve the balance of my time.

Mr. MANZULLO. I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Madam Chairman, I rise to speak in favor of the amendment that Congressman MANZULLO and I have introduced to improve H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

Our amendment would make a sensible and needed adjustment to our Nation's regulatory policy by requiring that Federal agencies develop guidelines to maximize the quality and integrity of scientific information used in the regulatory process. This is a goal not only supported by many Members of Congress from both sides of the aisle, but also by the administration.

In March of 2009, the President issued a memorandum directing the Office of Science and Technology to require Federal departments and agencies to develop procedures for restoring scientific integrity to government decision-making.

At the beginning of last year, the President issued Executive Order 13563, which stated that each agency ''shall ensure the objectivity of any scientific and technological information and process used to support the agency's regulatory actions.''

Our amendment, which is based on bipartisan legislation that Congressman MANZULLO and I introduced earlier this year, builds on the President's action, has bipartisan support, and codifies the requirement that the Director of the Office of Science and Technology compel each Federal agency to develop guidelines regarding the scientific information used by Federal agencies.

Additionally, this amendment would clarify that scientific information be supported by peer review, when appropriate, ensure that scientific studies used in decision-making be disclosed to the public, and require an opportunity for stakeholder input. This is just common sense.

It requires Federal agencies to give the greatest weight to information based on reproducible data that is developed in accordance with the scientific method.

Finally, this would provide grounds for any agency's actions that violate these integrity guidelines, that they have to be deemed arbitrary and subject to challenge by the affected stakeholders. This commonsense amendment requires maximizing the quality and integrity of scientific information used in the regulatory process, and I encourage my colleagues to adopt this bipartisan amendment.

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

Mr. MANZULLO. How much time do I have?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. MANZULLO. I yield that 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chairman, I rise in strong support of Mr. MANZULLO's amendment, which urges the Federal Government to develop scientific integrity policies when a Federal agency implements a rule or regulation. Science should be at the heart of Federal agency decision-making.

Right now, the pork producers in my State and others in agriculture are fighting the FDA's concerns regarding antibiotic use in animals when there is no scientific evidence behind those concerns. This is why I had originally introduced House Resolution 98 last year, which would send a bipartisan, commonsense message to the Food and Drug Administration to rely on scientific fact in its development of rules and regulations.

Mr. MANZULLO's amendment goes further, guiding all agencies on a path towards scientific integrity, not just the FDA.

I would like to remind my colleagues that Americans are constantly facing the challenge of widespread and needless interventions in their life. Why let this continue through our agencies' misuse of science?

I urge my colleagues to support the Manzullo amendment.

Mr. CUMMINGS. Madam Chairman, after hearing the arguments of the other side, I'm going to rest on what I've already said. I think I've made it abundantly clear why this is not an appropriate amendment.

With that, I hope that the House will vote against it. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MRS. LUMMIS

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part B of House Report 112–616.

Mrs. LUMMIS. 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:

Add after title VII the following new title (and conform the table of contents accordingly):

TITLE VIII—TRACKING THE COST TO TAXPAYERS OF FEDERAL LITIGATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Tracking the Cost to Taxpayers of Federal Litigation Act''.

SEC. 802. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking '', United States Code''; and

(2) by striking subsections (e) and (f) and inserting the following:

''(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements of this subsection. The report shall be made available to the public online.

''(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

''(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

''(1) The name of each party to whom the award was made.

''(2) The name of each counsel of record representing each party to whom the award was made.

''(3) The agency to which the application for the award was made.

''(4) The name of each counsel of record representing the agency to which the application for the award was made.

''(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

''(6) The amount of the award.

''(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

''(8) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.''.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount

of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

''(B)(i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

''(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

''(A) The name of each party to whom the award was made.

''(B) The name of each counsel of record representing each party to whom the award was made.

''(C) The agency involved in the case.

''(D) The name of each counsel of record representing the agency involved in the case.

''(E) The name of each judge in the case, and the court in which the case was heard.

''(F) The amount of the award.

''(G) The names and hourly rates of each expert witness for whose services the award was made.

''(H) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

''(8) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman's responsibilities under this subsection.''.

(c) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

□ 2140

Mrs. LUMMIS. Madam Chairman, I have two amendments made in order under this rule. I will offer this amendment. However, thanks to those I've been working with across the aisle, I intend not to offer my second amendment.

Thank you, Mrs. MALONEY.

The Equal Access to Justice Act, or EAJA, was originally passed in 1980 by a Congress concerned that everyday citizens could not afford to challenge the Federal Government in court when they had been wronged by government regulations. As originally designed, EAJA would reimburse small businesses, seniors and veterans for successfully challenging the Federal Government in court when no other law provided for that reimbursement.

It was a good idea then, and it remains a good idea today. For 15 years, the law has worked mostly as intended; but over time, cracks in the system have formed. In updating EAJA, it has become necessary to repair those cracks and to ensure EAJA's viability into the future. Three issues need to be resolved:

First, we need to ensure that our Nation's veterans, seniors, and small businesses have access to qualified attorneys. Right now, EAJA puts up unnecessary roadblocks to these legitimate users;

Second, we need to close loopholes that have allowed EAJA to be exploited by those dissatisfied with the reimbursements provided for them in the Nation's environmental laws;

Finally, we must reinstate tracking and reporting requirements so that Congress and every American has an accurate accounting of how much taxpayer money we spend to reimburse attorneys.

All three of those issues are addressed in H.R. 1996, the Government Litigation Savings Act; but this amendment, the one we are debating right now, only addresses the third issue—the transparency gap in EAJA.

As the recently released GAO report made clear, there is a severe lack of information on these payments. While we don't need that data to know exactly what has been happening with EAJA in recent years, going forward we need robust tracking as a management tool to ensure that EAJA works as intended. The tracking and reporting of EAJA payments is the part of the Government Litigation Savings Act that has broad agreement.

I greatly appreciate the work that the chairman of the Judiciary Committee and the ranking member of the Judiciary Committee have put into this issue. We've come a long way on this, and the bill has benefited from constructive input from both sides of the aisle. We must continue to work together on providing a fair market rate for lawyers who represent veterans, seniors and small businesses, as well as on instituting a reasonable eligibility standard. Both of these issues require further deliberation, and I am hopeful that the chairman and ranking member will commit to working with me to further update EAJA as I am committed to working with them.

In the meantime, let's pass this transparency amendment, which is the third leg of the three-pronged need to address the EAJA issues. This is the one on which we all agree, this third issue of transparency.

Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. I rise in support of the gentlelady's amendment.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. MALONEY. Thank you, Madam Chair.

This is one of two amendments that Mrs. LUMMIS has submitted. She has indicated that she will not be offering her other amendment, and we are very pleased as we had some serious concerns about that amendment.

This amendment I am supporting, though, would require Federal agencies to gather valuable data, and it would require the Administrative Conference of the United States to issue a report based on that data. This report would help taxpayers and Congress determine where taxpayer funds flow under the Equal Access to Justice Act.

This amendment has merit. We should have mechanisms in place to track where taxpayer money goes, and the reports this amendment requires will help Congress conduct more thorough oversight over Federal agencies.

There are still some concerns that some have raised about the extent to which the data will be made public. This data could include names of Social Security claimants and veterans who bring claims under EAJA, and this may have a chilling effect on those claimants.

We are willing to work with Mrs. LUMMIS to address these concerns. Mrs. LUMMIS, herself, has raised more specific concerns with how EAJA has been used and urges Congress to amend the act. The committee held a hearing and marked up her bill. The reported bill contained several needed improvements to address many of our concerns on this side of the aisle. We thank her for working with us on these changes. The bill still needs some more work, and we will continue to work with her to address all of our concerns. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. LUMMIS. I thank the gentlelady from New York.

Madam Chairman, I wish to yield the balance of my time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I rise in support of this amendment as well. I am grateful for the bipartisan cooperation and for

getting a chance to find more transparency as well as how the Equal Access to Justice Act of 1980 is being implemented. Unfortunately, it seems that some special interest groups, particularly some environmental groups, of late are abusing EAJA. They're financing lawsuits to advance a special agenda.

This amendment does shine light on who is receiving attorneys' fees under EAJA by revising and improving EAJA's reporting requirements, which have not been revised in many years. American taxpayers do deserve to know how their money is being spent by the Federal Government, regardless of what the interest group is and where it is coming from, and to know to what extent the financing is being used to advance any kind of ideology.

For these reasons, I do support this amendment, and I am grateful for the bipartisan support.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 24 will not be offered.

AMENDMENT NO. 25 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part B of House Report 112–616.

Mr. POSEY. 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:

Page 8, line 10, after the period insert the following:

If meeting that definition, such term includes any requirement by the Secretary of the Treasury, except to the extent provided in Treasury Regulations as in effect on February 21, 2011, that a payor of interest make an information return in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and

(2) which is paid—

(A) to a nonresident alien, and

(B) on a deposit maintained at an office within the United States.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, I yield myself such time as I may consume.

The Florida International Bankers Association has reported to me that, over the past several months, they have seen as much as $300 million leaving United States banks for overseas banks.

Why is this money leaving the United States, and what can we do to stop the hemorrhaging?

The adoption of this amendment will stop the hemorrhaging of hundreds of millions of dollars—soon to be billions of dollars if this amendment is not adopted. This is according to the studies on earlier, scaled-back proposals by the Internal Revenue Service.

For nearly 100 years, the United States has had in place a policy that encourages foreigners to put their money in our banks in the United States. We have told them that the United States is a welcoming and safe place for their deposits. Earlier this year, apparently clueless about the financial conditions we were in as a Nation, the IRS finalized a new rule to take effect in January 2013 that basically sends the message to law-abiding foreign depositors that U.S. banks don't want their money. Under this rule, the United States would no longer provide these law-abiding depositors with the confidentiality that they've had and that they need.

The new IRS rules would impose cumbersome new reporting requirements for law-abiding foreign depositors and for foreign depositors who live in nations where corruption is rampant. They will simply withdraw their money from the United States institutions and put their money to work in other nations around the world. This is bad for the United States economy.

There has been strong bipartisan opposition to the IRS proposal. The entire Florida delegation—all 25 members, every Republican and every Democrat—wrote the Treasury last year, asking them to withdraw the regulation. Bipartisan letters have gone to the Internal Revenue Service urging them to withdraw the regulation, and bipartisan legislation has been filed in the House and in the Senate to stop the regulation.

Each day Congress refuses to act, deposits are leaving the United States for Singapore, Panama, the Bahamas, the Cayman Islands, and elsewhere. This money will not return to the United States once it leaves. Most importantly for our communities, this capital will not be available to our small businesses and families when they need it to build in America. The new regulation will harm the U.S. economy, and we must stop its implementation.

□ 2150

Ironically, this same regulation from the IRS was rejected about 8 years ago when the bureaucrats at the IRS thought it was a good idea then. A strong bipartisan effort in Congress led to the IRS withdrawal of the rule, and we must do that again today.

If you share my commitment to economic recovery and believe that the United States should be a welcoming place for foreign depositors who want to put their money to work in the United States, then I urge you to join in support of this amendment. Please vote ''yes.''

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I rise to oppose the amendment.

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

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 2 minutes.

I understand that the banks in America don't like this because they would like to continue to be a place where people can come from other countries or send their money from other countries and not have it reported back home. The problem is that in America, we suffer a much greater loss right now from Americans who evade their taxes. Most Americans don't. But taxes being parked in the Cayman Islands, which was just mentioned and elsewhere, are a problem. We passed in 2010 a bill to try and get money owed to the United States paid to the United States. That requires the cooperation of other governments.

Members are aware of the negotiations with Switzerland and other tax havens. What this says is: we the United States want you to help us collect taxes owed to us, but we won't do the same. It is the tax evaders' bill of rights. The gentleman from Florida says they're law abiding citizens. Most of them probably are. How does he know they all are? Why do people in the Cayman Islands want to put money in American banks? Maybe they are perfectly good reasons. Maybe they want to come visit their money some day.

The fact is that people who send money to other countries include people who evade taxes. What this says to the United States is we basically are going to have to abandon the effort to collect taxes owed to us in foreign countries because we are telling the foreign countries we will not cooperate with them. We have tax treaties that we're pursuing. This basically aborts that.

Americans who want to send their money elsewhere and not pay taxes, they like this idea. With regard to the American banks, people have said they'll send their money elsewhere. The notion that we should compete in a race to the bottom, the notion that we should match other countries in an absence of rules is a philosophy that gets us in trouble. I believe that if we work hard, we will get a number of countries that will work with us on this. That's the essential point.

If Members favor a vigorous effort by the United States Government to recover taxes owed to us from elsewhere, they should reject this amendment.

I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining.

Mr. POSEY. This is not just about banks. This is about jobs, this is about mortgages, this is about the economy, and this is about our communities prospering. Information can be shared today on a case-by-case basis. If the IRS suggests to you otherwise, it's just not true.

There's a common misperception. Let's not forget how fortunate we are to live in the United States of America.

Too often, too many people forget this, it seems. We live under a stable government and a relatively stable economy compared to some of the other countries we receive deposits from. Many nonresident deposits come from countries where the governments themselves are very unstable, where their personal security or their property are major concerns. It's very probable that the depositor's personal bank account information could be leaked to unauthorized persons in their home country—to governments, criminals, or terrorist groups—which could make the depositors and their families targets of extortion, kidnappings, and other potentially fatal criminal activities. Imagine living with that over your shoulder every day.

Assurance from the IRS bureaucrats that your information is safe won't calm those fears. Our Pentagon has been hacked. I asked the Secretary of the Treasury if we would stand personally liable for any breaches that would cause a loss of life or harm to people whose information was betrayed. They said they would not be willing to do that.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FRANK of Massachusetts. In fact, we suffer more from taxes evaded in the U.S., I believe, than the money we have here. The point, however, is—and I will submit the comments from the Department of the Treasury—we will not be sending this to countries with which we don't have a tax treaty. There are strong statutory and regulatory requirements that prevent this information from being sent to countries that abuse it.

Maybe Members think that's not strong enough. If the gentleman from Florida would like to submit legislation to strengthen those statutory requirements to make it clear that some countries qualify and some don't—for example, I'm informed Venezuela today would not qualify for obvious reasons, because of the brutal, corrupt nature of that government.

So the question is, because some governments would abuse it, should we protect every tax evader who wants to use the United States as a haven from having their money reported, at the price of not getting cooperation ourselves? That doesn't mean everybody puts their money here as a tax evader. If you're not a tax evader, then there's no problem with having this reported. As far as the Pentagon being hacked, yeah, people have been hacked. If the IRS was going to be hacked, a lot more would have happened.

The fact is that the security of tax returns in America is one of the best things about our government. Administrations of both parties from time immemorial have protected the security of tax returns. We have a very good record as a government. We shouldn't just denigrate it with no basis in protecting the integrity of tax returns. People have filed tax returns and have had great privacy in them. This is the central point, because some of the banks would like to get this money and not care whether people are tax evaders or not.

The gentleman says we can do it case by case. That's an impossible task, case by case to decide. Then the IRS becomes more intrusive. Do you want to do a frisk of each individual to decide whether he or she has his returns done? Case by case is the way you destroy privacy.

Here's the fundamental point. We are making efforts to collect taxes owed to us by people who have hidden the money elsewhere, and we know that's been a problem. This would make it impossible to do that with any efficiency. As I said, there are very clear statements of policy against sending this information to Venezuela, against sending it to other places where it wouldn't be secure. This is the question: Are we going to allow American standards, in trying to impose taxes that are legitimately owed here, to be eroded by other countries?

The gentleman mentioned the Cayman Islands. I don't want the Cayman Islands to set the standard for American tax collection. The gentleman mentioned that the Cayman Islanders are sending money here. I don't want the Cayman Islanders and their desire to get shelter to be setting the standard for American tax collection practices, for the need of America to do the right thing.

Those people who are lawfully investing money will not be frightened by this, and America's ability to get taxes owed to us would be destroyed by this amendment.

DEPARTMENT OF THE TREASURY
Internal Revenue Service
26 CFR Parts 1 and 31
[TD 9584]
RIN 1545—BJ01
Guidance on Reporting Interest Paid to Nonresident Aliens

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding the reporting requirements for interest that relates to deposits maintained at U.S. offices of certain financial institutions and is paid to certain nonresident alien individuals. These regulations will affect commercial banks, savings institutions, credit unions, securities brokerages, and insurance companies that pay interest on deposits.

Background

On January 7, 2011, the Treasury Department and the IRS published a notice of proposed rulemaking (REG 146097–09) (the 2011 proposed regulations) in the Federal Register (76 FR 1105, corrected by 76 FR 2852, 76 FR 20595, and 76 FR 22064) under section 6049 of the Internal Revenue Code (Code). The 2011 proposed regulations withdrew proposed regulations that had been issued on August 2, 2002 (67 FR 50386) (the 2002 proposed regulations). The 2002 proposed regulations would have required reporting of interest payments to nonresident alien individuals that are residents of certain specified countries. The 2011 proposed regulations provide that payments of interest aggregating $10 or more on a deposit maintained at a U.S. office of a financial institution and paid to any nonresident alien individual are subject to information reporting.

Written comments were received by the Treasury Department and the IRS response to the 2011 proposed regulations. A public hearing on the 2011 proposed regulations was held on May 18, 2011, at which further comments were received. All comments were considered and are available for public inspection at http://www.regulations.gov or upon request. After consideration of the written comments and the comments provided at the public hearing, the 2011 proposed regulations are adopted as revised by this Treasury decision.

Explanation and Summary of Comments

Objectives of This Regulatory Action

The reporting required by these regulations is essential to the U.S. Government's efforts to combat offshore tax evasion for several reasons. First it ensures that the IRS can, in appropriate circumstances, exchange information relating to tax enforcement with other jurisdictions. In order to ensure that U.S. taxpayers cannot evade U.S. tax by hiding income and assets offshore, the United States must be able to obtain information from other countries regarding income earned and assets held in those countries by U.S. taxpayers. Under present law, the measures available to assist the United States in obtaining this information include both treaty relationships and statutory provisions. The effectiveness of these measures depends significantly, however, on the United States' ability to reciprocate.

The United States has constructed an expansive network of international agreements, including income tax or other conventions and bilateral agreements relating to the exchange of tax information (collectively referred to as information exchange agreements), which provide for the exchange of information related to tax enforcement under appropriate circumstances. These information exchange relationships are based on cooperation and reciprocity. A jurisdiction's willingness to share information with the IRS to combat offshore tax evasion by U.S. taxpayers depends, in large part, on the ability of the IRS to exchange information that will assist that jurisdiction in combating offshore tax evasion by its own residents. These regulations, by requiring reporting of deposit interest to the IRS, will ensure that the IRS is in a position to exchange such information reciprocally with a treaty partner when it is appropriate to do so.

Second, in 2010, Congress supplemented the established network of information exchange agreements by enacting, as part of the Hiring Incentives to Restore Employment Act of 2010 (Pub. L. 111–147), provisions commonly known as the Foreign Account Tax Compliance Act (FATCA) that require overseas financial institutions to identify U.S. accounts and report information (including interest payments) about those accounts to the IRS. In many cases, however, the implementation of FATCA will require the cooperation of foreign governments in order to overcome legal impediments to reporting by their resident financial institutions. Like the United States, those foreign governments are keenly interested in addressing offshore tax evasion by their own residents and need tax information from other jurisdictions, including the United States, to support their efforts. These regulations will facilitate intergovernmental cooperation on

FATCA implementation by better enabling the IRS, in appropriate circumstances, to reciprocate by exchanging information with foreign governments for tax administration purposes.

Finally, the reporting of information required by these regulations will also directly enhance U.S. tax compliance by making it more difficult for U.S. taxpayers with U.S. deposits to falsely claim to be nonresidents in order to avoid U.S. taxation on their deposit interest income.

International Standard for Transparency and Information Exchange

Under the international standard for transparency and exchange of information, which is reflected in the Organisation for Economic Cooperation and Development (OECD) Model Agreement on Exchange of Information on Tax Matters, the OECD Model Tax Convention, and the United Nations Model Double Tax Convention between Developed and Developing Countries, exchange of tax information cannot be limited by domestic bank secrecy laws or the absence of a specific domestic tax interest in the information to be exchanged. Accordingly, under this global standard a country cannot refuse to share tax information based on domestic laws that do not require banks to share the information. In addition, under the global standard, a country cannot opt out of information exchange based on the fact that the country does not itself need the information to enforce its own tax rules. Thus, even countries that do not impose income taxes, and therefore do not have tax enforcement concerns, have entered into information exchange agreements to provide information about the accounts of nonresidents.

Comments Regarding Confidentiality and Improper Use of Information

Some comments on the 2011 proposed regulations expressed concerns that the information required to be reported under those regulations might be misused. For example, comments expressed concern that deposit interest information may be shared with a country that does not have laws in place to protect the confidentiality of the information exchanged or that would use the information for purposes other than the enforcement of its tax laws. These comments further suggested that these concerns could affect nonresident alien investors' decisions about the location of their deposits.

The Treasury Department and the IRS believe that the concerns raised by the comments are addressed by existing legal limitations and administrative safeguards governing tax information exchange. As discussed herein, information reported pursuant to these regulations will be exchanged only with foreign governments with which the United States has an agreement providing for the exchange and when certain additional requirements are satisfied. Even when such an agreement exists, the IRS is not compelled to exchange information, including information collected pursuant to these regulations, if there is concern regarding the use of the information or other factors exist that would make exchange inappropriate.

First, information reported pursuant to these regulations is return information under section 6103. Section 6103 imposes strict confidentiality rules with respect to all return information. Moreover, section 6103(k)(4) allows the IRS to exchange return information with a foreign government only to the extent provided in, and subject to the terms and conditions of an information exchange agreement. Thus, the IRS can share the information reported under these regulations only with foreign governments with which the United States has an information exchange agreement. Absent such an agreement, the IRS is statutorily barred from sharing return information with another country, and these regulations cannot and do not change that rule.

Second, consistent with established international standards, all of the information exchange agreements to which the United States is a party require that the information exchanged under the agreement be treated and protected as secret by the foreign government. In addition, information exchange agreements generally prohibit foreign governments from using any information exchanged under such an agreement for any purpose other than the purpose of administering, collection and enforcing the taxes covered by the agreement. Accordingly, under these agreements, neither country is permitted to release the information shared under the agreement or use it for any other law enforcement purposes.

Third, consistent with the international standard for information exchange and United States law, the United States will not enter into an information exchange agreement unless the Treasury Department and the IRS are satisfied that the foreign government has strict confidentiality protections. Specifically, prior to entering into an information exchange agreement with another jurisdiction, the Treasury Department and the IRS closely review the foreign jurisdiction's legal framework for maintaining the confidentiality of taxpayer information. In order to conclude an information exchange agreement with another country, the Treasury Department and the IRS must be satisfied that the foreign jurisdiction has the necessary legal safeguards in place to protect exchanged information and that adequate penalties apply to any breach of that confidentiality.

Finally, even if an information exchange agreement is in effect, the IRS will not exchange information on deposit interest or otherwise with a country if the IRS determines that the country is not complying with its obligations under the agreement to protect the confidentiality of information and to use the information solely for collecting and enforcing taxes covered by the agreement. The IRS also will not exchange any return information with a country that does not impose tax on the income being reported because the information could not be used for the enforcement of tax laws within that country.

In addition, the IRS has options regarding the appropriate form of exchange. For example, the IRS might exchange information with another jurisdiction only upon specific request. In the case of specific exchange requests, the IRS evaluates the requesting country's current practices with respect to information confidentiality. The IRS also requires the requesting country to explain the intended permitted use of the information and justify the relevance of that information to the permitted use. Alternatively, in appropriate circumstances, the IRS might exchange certain information on an automatic basis. The IRS currently exchanges deposit interest information on an automatic basis with only one jurisdiction (Canada). The IRS will not enter into a new automatic exchange relationship with a jurisdiction unless it has reviewed the country's policies and practices and has determined that such an exchange relationship is appropriate. Further, the IRS generally will not enter into an automatic exchange relationship with respect to the information collected under these regulations unless the other jurisdiction is willing and able to reciprocate effectively.

The Treasury Department and the IRS believe that the legal and administrative safeguards described in the preceding paragraphs regarding the use of information collected under these regulations should adequately address the concerns identified by the comments and, therefore, these regulations should not significantly impact the investment and savings decisions of the vast majority of nonresidents who are aware of and understand these safeguards and existing law and practice. Nevertheless, to enhance awareness and further address concerns, these final regulations revise the 2011 proposed regulations to require reporting only in the case of interest paid to a nonresident alien individual resident in a country with which the United States has in effect an information exchange agreement pursuant to which the United States agrees to provide, as well as receive, information and under which the competent authority is the Secretary of the Treasury or his delegate.

For this purpose, the Treasury Department and the IRS will publish a Revenue Procedure contemporaneously with these final regulations specifically identifying the countries with which the United States has in force such an information exchange agreement. The Revenue Procedure will be updated as appropriate. With respect to any calendar year, payors will only be required to report interest on deposits maintained at an office within the United States and paid to a nonresident alien individual who is a resident of a country identified in the Revenue Procedure as of December 31 of the prior calendar year as being a country with which the United States has in effect such an information exchange agreement. To address any potential burden associated with reporting on this basis, the final regulations provide that for any year for which the information return under §1.6049–4(b)(5) is required, a payor may elect to report interest payments to all nonresident alien individuals.

As previously discussed, the identification of a country as having an information exchange agreement with the United States does not necessarily mean that the information collected under these regulations will be reported to such foreign jurisdiction. As an additional measure to further increase awareness among concerned nonresidents regarding the IRS' use of information collected under these regulations, the Revenue Procedure also will include a second list identifying the countries with which the Treasury Department and the IRS have determined that it is appropriate to have an automatic exchange relationship with respect to the information collected under these regulations. This determination will be made only after further assessment of a country's confidentiality laws and practices and the extent to which the country is willing and able to reciprocate.

In addition, in response to comments, and given the information exchange practices described in the preceding paragraphs and the information that will be available in the Revenue Procedure, these final regulations eliminate the requirement in the 2011 proposed regulations for financial institutions to include in the information statement provided to nonresident alien individuals a statement informing the individual that the information may be furnished to the government of the country where the recipient resides. In addition, these final regulations clarify that a payor or middleman may rely on the permanent residence address provided on a valid Form W–8BEN, ''Beneficial Owners Certificate of Foreign Status for U.S. Tax Withholding'', for purposes of determining the country of residence of a nonresident alien to whom reportable interest is paid unless the payor or middleman knows or has reason to know that such documentation of the country of residence is unreliable or incorrect. The final regulations also modify

§31.3406(g)–1 of the proposed regulations to clarify that, consistent with the backup withholding rules generally, a payment of interest described in §1.6049–8(a) is not subject to withholding under section 3406 if the payor may treat the payee as a foreign person, without regard to whether the payor reported such interest (although a payor may be subject to penalties if it fails to report as required). As under the prior regulations requiring the reporting of interest paid to Canadian nonresident alien individuals, the final regulations define interest subject to reporting to mean interest paid on deposits as defined under section 871(i)(2)(A) (including deposits with persons carrying on a banking business deposits with certain savings institutions, and certain amounts held by insurance companies under agreements to pay interest thereon).

The Acting CHAIR. The time of the gentleman from Massachusetts has expired. The gentleman from Florida has 30 seconds remaining.

Mr. POSEY. I don't know how many deadbeat taxpayers are in Venezuela or Cuba or Iran, but I think it's ludicrous to think that we would want to put American investments in other countries. We're looking at, according to the Mercatus Center at George Mason, a possible capital flight of $88 billion, and this is opposed to maybe, at the high side estimating, we'll recover $800 million from tax cheats, hopefully. That's just not a good percentage. That's not a good investment. That's bad business in any sense of the word.

I urge my colleagues to vote in favor of a good commonsense bill that will help our economy recover and help America stay strong.

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

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

Mr. FRANK of Massachusetts. 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 Florida will be postponed.

□ 2200

Mr. LANKFORD. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POSEY) having assumed the chair, Ms. HAYWORTH, 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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 24, 2012, AT PAGE H5198

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today between 1 and 5 p.m. on account of attending a memorial service for her former chief of staff.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 710. An act to amend the solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, Committee on Energy and Commerce.

ENROLLED BILL SIGNED

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today after 5 p.m. on account of a personal matter.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today after 1 p.m. through July 26 on account of completing her ongoing medical treatment in Houston, Texas.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

ADJOURNMENT

Mr. LANKFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 26, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteuria spp. (Rotylenchulus reniformis nematode)-Pr3; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0805; FRL-9353-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7070. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Synchronizing the Expiration Dates of the Pesticide Applicator Certificate with the Underlying State or Tribal Certificate [EPA-HQ-OPP-2011-0049; FRL-9334-4] (RIN: 2070-AJ00) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7071. A letter from the Secretary, Department of Defense, transmitting the Department's report on the policies and practices of the Navy for naming vessels of the Navy; to the Committee on Armed Services.

7072. A letter from the Under Secretary, Department of Defense, transmitting request of an extension to deliver the report on the current and future military strategy of Iran; to the Committee on Armed Services.

7073. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Richard M. Clark, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

7074. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas J. Owen, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

7075. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Socialist Republic of Vietnam pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7076. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Interim Final Temporary Rule on Retail Foreign Exchange Transactions [Release No.: 34-67405; File No. S7-30-11] (RIN: 3235-AL19) received July 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7077. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Further Definition of ''Swap'', ''Security-Based Swap'', and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordingkeeping [Release No.: 33-9338; 34-67453; File No. S7-16-11] (RIN: 3235-AK65) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7078. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Consolidated Audit Trail [Release No.: 34-67457; File No. S7-11-10] (RIN: 3235-AK51) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regional Haze State Implementation Plan [EPA-R03-OAR-2010-0002; FRL-9695-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Regional Haze [EPA-R05-OAR-2011-0598; FRL-9683-6] received July 3, 2012, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze State Implementation Plan [EPA-R03-OAR-2012-0144; FRL-9695-4] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7082. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 06-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7083. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

7084. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2917); to the Committee on Foreign Affairs.

7085. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2990); to the Committee on Foreign Affairs.

7086. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 2nd Quarter of Fiscal Year 2012'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7087. A letter from the Executive Director, Access Board, transmitting the Board's annual report for FY 2011 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7088. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's ''Major'' final rule — Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado (RIN: 0596-AC74) received July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7089. A letter from the Acting Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the annual report on the Contract Support Costs of Self-Determination Awards, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7090. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Access Area [Docket No.: 120330235-2014-01] (RIN: 0648-BC04) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7091. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fishery for the Southern New England Skate Bait Trawl Fishery [Docket No.: 110901554-2178-02] (RIN: 0648-BB35) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7092. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

7093. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Changes to Implement the Supplemental Examination Provisions of the Leahy-Smith America Invents Act and to Revise Reexamination Fees [Docket No.: PTO-P-2011-0075] (RIN: 0651-AC69) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7094. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Transitional Program for Covered Business Method Patents-Definitions of Covered Business Method Patent and Technological Invention [Docket No.: PTO-P-2011-0087] (RIN: 0651-AC75) received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7095. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents [Docket No.: PTO-P-2011-0083] (RIN: 0651-AC71) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7096. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the second, third, and fourth quarters of FY 2011 and for the first and second quarters of FY 2012; to the Committee on the Judiciary.

7097. A letter from the General Counsel, National Tropical Botanical Garden, transmitting a letter informing of a delay in the submission of the annual audit; to the Committee on the Judiciary.

7098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effective Date for the Water Quality Standards for the State of Florida's Lakes and Flowing Waters [EPA-HQ-OW-2009-0596; FRL-9691-3] (RIN: 2040-AF41) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 741. Resolution providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent (Rept. 112–623). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of California (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6182. A bill to amend the Internal Revenue Code of 1986 to extend and expand the credit for qualifying advanced energy projects, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Virginia):

H.R. 6183. A bill to protect cyber privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. AMODEI:

H.R. 6184. A bill to quitclaim surface rights to certain Federal land under the jurisdiction of the Bureau of Land Management in Virginia City, Nevada, to Storey County, Nevada, to resolve conflicting ownership and title claims, and for other purposes; to the Committee on Natural Resources.

By Mrs. ADAMS (for herself, Mr. SENSENBRENNER, Mr. SCOTT of Virginia, Mr. COBLE, Mr. JOHNSON of Georgia, Mr. POE of Texas, Mr. NADLER, Mr. GOWDY, and Mr. AMODEI):

H.R. 6185. A bill to improve security at State and local courthouses; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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. MOORE (for herself, Mr. BACHUS, Ms. WATERS, and Mrs. BIGGERT):

H.R. 6186. A bill to require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. HIMES (for himself and Ms. LEE of California):

H.R. 6187. A bill to establish a research program under the Congressionally Directed Medical Research Program of the Department of Defense to discover a cure for HIV/AIDS; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. HONDA, Mr. RANGEL, Ms. WOOLSEY, Mr. KISSELL, Mr. FILNER, Ms. NORTON, and Mr. MCGOVERN):

H.R. 6188. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 6189. A bill to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. ROSS of Arkansas, Mr. BARTON of Texas, Mr. PITTS, Mr. CARTER, and Mr. MATHESON):

H.R. 6190. A bill to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale,

and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 6191. A bill to establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as ''Cancer-Free'', and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 6192. A bill to extend certain of the supplemental agricultural disaster assistance programs through fiscal year 2012 and to continue to fund such assistance through the Agricultural Disaster Relief Trust Fund; 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. FRANK of Massachusetts:

H.R. 6193. A bill to extend the special immigrant religious professionals program; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. LUCAS, Mr. WHITFIELD, Mr. WALDEN, Mr. TERRY, Mr. SOUTHERLAND, Mr. ROONEY, Mrs. SCHMIDT, Mrs. ELLMERS, Mr. CONAWAY, Mr. COSTA, and Mr. BISHOP of Georgia):

H.R. 6194. A bill to ensure the viability and competitiveness of the United States agricultural sector; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. MORAN, and Mr. FARR):

H.R. 6195. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. TURNER of New York, and Mr. BURTON of Indiana):

H.R. 6196. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, 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. DANIEL E. LUNGREN of California:

H.R. 6197. A bill to amend the Federal Election Campaign Act of 1971 to eliminate certain contribution limitations, to require political committees to post information on contributions received by the committees on the websites of such committees, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY (for herself and Mr. KUCINICH):

H.R. 6198. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. RIGELL, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. CULBERSON, Mr. DESJARLAIS, Mr. WALBERG, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. JORDAN, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. BURGESS, Mr. SOUTHERLAND, and Mr. CAMPBELL):

H.R. 6199. A bill to provide for limitations on the domestic use of drones in investigating regulatory and criminal offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, 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. MARKEY (for himself, Mr. FRANK of Massachusetts, Mr. JONES, Mr. COURTNEY, and Mr. KEATING):

H.R. 6200. A bill to strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, Mr. BISHOP of New York, Mr. ISRAEL, and Mr. ACKERMAN):

H.R. 6201. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating Long Island's aviation history, including a determination of the suitability and feasibility of designating parts of the study area as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself, Ms. LEE of California, Mr. HONDA, Mr. RANGEL, and Mr. STARK):

H.R. 6202. A bill to amend the Internal Revenue Code of 1986 to establish the Coal Mitigation Trust Fund funded by the imposition of a tax on the extraction of coal, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, 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. MEEHAN (for himself, Mr. BARLETTA, Mr. GERLACH, Mr. NUGENT, and Mr. TIBERI):

H.R. 6203. A bill to require each owner of a dwelling unit assisted under the section 8 rental assistance voucher program to remain current with respect to local property and school taxes and to authorize a public housing agency to use such rental assistance amounts to pay such tax debt of such an owner, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6204. A bill to amend the Investment Advisers Act of 1940 to require certain investment advisers to pay fees to help cover the costs of inspecting and examining investment advisers under such Act; to the Committee on Financial Services.

By Mrs. ROBY:

H.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross domestic product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. JONES, and Ms. RICHARDSON):

H. Res. 740. A resolution expressing support for the designation of March 13 as ''K-9 Veterans Day'', in order to recognize the service and improve the treatment of military working dogs; to the Committee on Armed Services.

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. THOMPSON of California:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. CONYERS:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. AMODEI:

H.R. 6184.

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 make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mrs. ADAMS:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. MOORE:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. HIMES:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CARNAHAN:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.''

By Mr. CONYERS:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18.

By Mr. BURGESS:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls within Congress' authority to regulate interstate commerce as found in Article I, Section 8, clause 3 of the U.S. Constitution, which provides the authority for the Congress to ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' The epinephrine inhalers at issue in the attached legislation are regulated by the federal Food and Drug Administration (FDA), and the propellant at issue is regulated by the Environmental Protection Agency. The product further falls within the subject matter of an international treaty known as the Montreal Protocol on Substances that Deplete the Ozone Layer, of which the U.S. is a signatory.

By Mr. DEUTCH:

H.R. 6191.

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, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce among the several States.

By Mrs. EMERSON:

H.R. 6192.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

By Mr. FRANK of Massachusetts:

H.R. 6193.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GINGREY of Georgia:

H.R. 6194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 that states, ''To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes''

By Mr. KING of New York:

H.R. 6195.

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 Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KING of New York:

H.R. 6196.

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 Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6197.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution, which grants Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

By Mrs. MALONEY:

H.R. 6198.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power to to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mr. POE of Texas:

H.R. 6199.

Congress has the power to enact this legislation pursuant to the following:

The Fourth Amendment to the United States Constitution.

By Mr. MARKEY:

H.R. 6200.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MCCARTHY of New York:

H.R. 6201.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCDERMOTT:

H.R. 6202.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MEEHAN:

H.R. 6203.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause I.

By Ms. WATERS:

H.R. 6204.

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 Mrs. ROBY:

H.J. Res. 116.

Congress has the power to enact this legislation pursuant to the following:

Article 5:

''The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. GOSAR, Mr. SCHWEIKERT, and Mr. JORDAN.

H.R. 178: Mr. BARBER.

H.R. 181: Ms. BONAMICI, Mr. HINOJOSA, and Mr. BARBER.

H.R. 186: Mr. HINOJOSA.

H.R. 210: Mr. ANDREWS.

H.R. 288: Mr. GRIJALVA.

H.R. 360: Mr. CHABOT.

H.R. 374: Mr. MICA.

H.R. 458: Mr. TONKO, Mr. SMITH of Washington, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, Ms. CHU, Mr. DEUTCH, Mr. CAPUANO, Mr. PASCRELL, Ms. PINGREE of Maine, Ms. HAHN, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. SABLAN, Mr. DINGELL, Mr. PETERS, and Mr. CLEAVER.

H.R. 733: Mr. SCHRADER.

H.R. 816: Mrs. MYRICK.

H.R. 835: Mr. RIVERA.

H.R. 1092: Ms. BONAMICI and Mr. HINOJOSA.

H.R. 1265: Mr. LATOURETTE and Mr. NEUGEBAUER.

H.R. 1322: Mr. MCINTYRE, Mr. CLAY, and Mr. FILNER.

H.R. 1370: Mr. BARROW and Mr. SENSENBRENNER.

H.R. 1489: Mr. BLUMENAUER.

H.R. 1506: Mr. MARKEY.

H.R. 1546: Mr. SESSIONS.

H.R. 1549: Mr. RIVERA.

H.R. 1639: Mr. PASCRELL.

H.R. 1648: Mr. LIPINSKI.

H.R. 1675: Mr. BACA.

H.R. 1775: Mr. FLORES, Mr. CULBERSON, and Mr. GERLACH.

H.R. 1956: Mr. MILLER of Florida.

H.R. 1984: Ms. DEGETTE.

H.R. 2016: Mr. BUTTERFIELD, Mr. CLAY, Mr. CROWLEY, Mr. BOSWELL, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, and Mr. SABLAN.

H.R. 2108: Mr. BILBRAY.

H.R. 2168: Mr. JOHNSON of Illinois.

H.R. 2198: Mr. LATOURETTE.

H.R. 2221: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT, and Ms. HAYWORTH.

H.R. 2310: Mr. BISHOP of New York and Mr. CLAY.

H.R. 2335: Mr. ROKITA.

H.R. 2404: Mr. DOLD.

H.R. 2479: Ms. PINGREE of Maine.

H.R. 2481: Ms. MCCOLLUM.

H.R. 2524: Mr. DAVIS of Illinois and Mr. GRIMM.

H.R. 2541: Mr. LANDRY.

H.R. 2545: Mr. LOEBSACK.

H.R. 2554: Mr. MARKEY.

H.R. 2622: Mr. SENSENBRENNER.

H.R. 2637: Mr. DOGGETT.

H.R. 2672: Mr. KIND.

H.R. 2695: Mr. LOEBSACK and Mr. GIBSON.

H.R. 2730: Mr. TOWNS.

H.R. 2794: Mr. CLEAVER and Mr. DOGGETT.

H.R. 2985: Mr. HERGER.

H.R. 3036: Mr. MEEKS.

H.R. 3102: Mr. GRIJALVA.

H.R. 3308: Mr. GOSAR.

H.R. 3316: Mr. CLAY.

H.R. 3337: Mr. BOSWELL.

H.R. 3423: Mr. BUTTERFIELD.

H.R. 3432: Mr. ROTHMAN of New Jersey.

H.R. 3461: Mr. ALEXANDER.

H.R. 3506: Mr. HOLT.

H.R. 3594: Mr. AUSTIN SCOTT of Georgia and Mr. LOBIONDO.

H.R. 3803: Mr. LOBIONDO and Mr. TIPTON.

H.R. 4103: Mr. FARR and Mr. ROTHMAN of New Jersey.

H.R. 4160: Mr. RIGELL.

H.R. 4215: Mr. LIPINSKI.

H.R. 4221: Mr. ELLISON.

H.R. 4373: Mr. WITTMAN.

H.R. 4385: Mrs. LUMMIS, Mr. RIGELL, Mr. RIBBLE, Mr. BRADY of Texas, Mr. DESJARLAIS, and Mr. HECK.

H.R. 5186: Mr. WATT.

H.R. 5684: Mr. CARNEY, Mr. RICHMOND, and Mr. YARMUTH.

H.R. 5707: Mr. FILNER.

H.R. 5741: Mr. RIGELL and Mrs. BONO MACK.

H.R. 5742: Mr. MICHAUD.

H.R. 5796: Mr. DENT and Mr. MURPHY of Connecticut.

H.R. 5822: Mr. BURTON of Indiana.
H.R. 5879: Mr. FORTENBERRY.
H.R. 5943: Mr. HINOJOSA and Mr. OLVER.
H.R. 5959: Mr. FILNER.
H.R. 5961: Mr. HASTINGS of Washington and Mr. JONES.
H.R. 6012: Mr. BILBRAY.
H.R. 6047: Mr. DUNCAN of Tennessee.
H.R. 6066: Mr. LANCE.
H.R. 6088: Mr. GOODLATTE.
H.R. 6112: Mr. DUNCAN of Tennessee.
H.R. 6120: Mr. GRIJALVA.
H.R. 6124: Ms. HOCHUL.
H.R. 6136: Mr. GIBSON.
H.R. 6138: Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ROYBAL-ALLARD.
H.R. 6140: Mr. LATTA, Mr. STEARNS, Mr. CANSECO, Mr. BISHOP of Utah, and Mr. CRAVAACK.
H.R. 6147: Mr. KLINE, Mr. DANIEL E. LUNGREN of California, and Mr. GALLEGLY.
H.R. 6149: Mr. RYAN of Ohio, Mr. CRITZ, Mr. GENE GREEN of Texas, and Mr. CONYERS.
H.R. 6150: Ms. SPEIER, Ms. RICHARDSON, Mr. GRIJALVA, Mr. RANGEL, Ms. NORTON, Mr. BRADY of Pennsylvania, and Ms. DELAURO.
H.R. 6156: Mr. GRIMM, Mr. MULVANEY, Mr. BOUSTANY, and Mr. ROKITA.
H.R. 6164: Mr. BROUN of Georgia, Mr. FLAKE, Mrs. MILLER of Michigan, Mrs. MYRICK, and Mrs. BLACK.
H.R. 6175: Ms. SPEIER.
H.J. Res. 112: Mr. AMASH, Mr. DUNCAN of Tennessee, Mrs. BLACK, and Mr. WESTMORELAND.
H. Con. Res. 107: Mr. MICHAUD.
H. Con. Res. 116: Ms. KAPTUR, Mr. JOHNSON of Ohio, and Mr. FORTENBERRY.
H. Res. 111: Mr. CLEAVER, Ms. WILSON of Florida, and Mrs. NOEM.
H. Res. 506: Ms. SPEIER.
H. Res. 623: Mr. HERGER.
H. Res. 725: Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, and Mr. FARR.
H. Res. 729: Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. STARK.

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PROCEEDINGS AND DEBATES OF THE *112th* CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, WEDNESDAY, JULY 25, 2012 *No. 112*

Senate

The Senate met at 9:30 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.

O Lord, our God, ever living and ever giving, strengthen us to enter into Your purpose and to bring blessings to our world. Kindle such flames of sacred love within the hearts of our Senators that they will be motivated by their passion to please You. Amid all that is transient and temporal, keep them loyal to the transcendent and determined. May they test their actions by their conscience and by their wisdom of Your word and spirit. Lord, strengthen them in every endeavor, empowering them in all that pertains to that righteousness which exalts a nation. Bind them together in the oneness of a shared commitment to You.

We pray in Your sacred 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 assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 25, 2012.

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.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MIDDLE CLASS TAX CUT ACT—MOTION TO PROCEED

Mr. REID. Madam President, I now move to proceed to Calendar No. 467, the Middle Class Tax Cut Act of 2012.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 467, S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle class families.

SCHEDULE

Mr. REID. Madam President, we are now in the midst of another Republican filibuster. So the time until 2:15 today will be equally divided and controlled between the two leaders or their designees. The Republicans will control the first 30 minutes and the majority will control the second 30 minutes. At 2:15, there will be a cloture vote on the motion to proceed to the Middle Class Tax Cut Act that was just outlined by the clerk.

MEASURE PLACED ON THE CALENDAR—S. 3429

Mr. REID. Madam President, I understand that S. 3429 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3429) to require the Secretary of Veterans Affairs to establish a veterans job corps, and for other purposes.

Mr. REID. Madam President, I would object to any further proceedings with respect to this legislation.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

MIDDLE CLASS TAX CUT ACT OF 2012

Mr. REID. Madam President, for the third time in as many weeks, Republicans are poised to kill a tax cut without ever debating it on the Senate floor.

Two weeks ago, Republicans filibustered legislation to cut taxes for small businesses. Last week, they filibustered a bill to end tax breaks for corporations that ship jobs overseas and cut taxes for companies that move jobs back to America. Now they are filibustering our plan to cut taxes for 114 million middle-class families. Not one of these bills has gotten a debate on the Senate floor. So let's look at what led to this latest Republican filibuster.

Two weeks ago, Senator MCCONNELL came to the Senate floor to ask for two votes, one on the Democratic plan to cut taxes for 98 percent of American families and reduce the deficit by about $1 trillion. The other vote he wanted was on the Republican plan to raise taxes by $1,000 each for 25 million middle-class families while handing out tax breaks to millionaires of $160,000 each.

That afternoon, I told the minority leader that Democrats were willing to give Republicans what they said they wanted—those two votes. But although it had been only a few short hours since Senator MCCONNELL asked for those two votes, my offer was refused. He said he had to see our proposal first.

It seemed like a thin excuse at the time. He hadn't seen our proposal when he asked for the votes in the first place, but others within his caucus had seen it, and the staff had seen it, of course. But I took the minority leader at his word.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

So Democrats produced legislation in legislative form, and we offered once again to vote on our bill and on the Republicans' plan to hike middle-class taxes. Again, they refused the up-or-down votes they had asked for. This time they wanted a third vote now, on a different plan, we are told.

We have President Obama's tax plan before us. I am not going to make up some tax plan of the President that they said they are going to do. We have President Obama's tax plan. We have worked hand in glove with him now for months to come to the body with what we have today. So this third vote is again a charade.

The Presiding Officer has a couple of small children. My children aren't so small anymore. But small children being small children, it is very often they have a bedtime tactic that has been used forever. I am sure the Presiding Officer's children—and I know my kids—when they needed to get to sleep always wanted one more story. They would ask for one more story and then one more story. But parents learned and saw this bedtime story for what it is, a delaying tactic to stave off bedtime.

Americans see the Republicans' hollow request for one more vote, a made-up vote, for what it is, an excuse to put off a simple majority vote on the Democrats' plan to cut taxes for the middle class. Of course, we know why Republicans are filibustering our plan to protect the middle class: They know it would pass if we held an up-or-down majority vote on that today.

Our bill has the support of President Obama, it has the support of the Democratic caucus, and it has the support of the American people. A majority of Americans—including a significant majority of Republicans—agree taxes should remain low for the middle class and that the top 2 percent should pay their fair share to reduce the deficit. As I said, the majority of Republicans agree. The only place there is no agreement is with the Republicans in Congress. They once again have decided to obstruct rather than to legislate. So the Senate may not even get to debate the merits of our plan to cut taxes for 98 percent of American families.

There is still time for Republicans to reverse course and drop their filibuster. They owe the American people a serious debate on this proposal.

CYBERSECURITY

Madam President, I hope my friends on the other side of the aisle will allow us to debate a crucial cybersecurity bill before the end of this month. We hope to have a vote on this as early as tomorrow or the next day.

Cybersecurity—a new word, but there is nothing more important to national security than doing something about cybersecurity. If we do not pass this legislation that is now before the Senate, if we don't do something about this, we are told by the experts it is not a question of if; it is a question of when. This legislation is extremely important.

National security experts from the left, the right, and center say weaknesses in our cyber defenses are among the greatest threats facing our Nation—and some say it is the greatest threat facing our Nation. So Congress must act rapidly to address this issue.

The House and Senate must also act before Congress leaves for the August recess to pass the final version of legislation initiating new Iran sanctions.

This past year, the Senate conference has been hard at work to complete this agreement. I have been clear that I expect the negotiations to conclude soon so we can further tighten these sanctions against Iran. Sanctions are critical. It is a critical tool to help stop Iran's nuclear weapons program and ensuring the security of our ally, the State of Israel.

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. JOHANNS. 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the time until 2:15 p.m. will be equally divided or controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

Mr. JOHANNS. Madam President, I come to the floor to discuss a wholly predictable and foreseeable economic disaster. I ask why the Senate continues to waste valuable time while we continue barrelling toward a fiscal cliff.

In a little more than 5 months, the current tax rates are scheduled to expire for every single American, resulting in the largest tax increase in history.

It is hard to imagine this massive tax increase is what the President wants. Just 2 years ago, he warned that we absolutely should not raise taxes in a poor economy. Yet today the economy is actually in worse shape.

So what does the President do? He calls for raising taxes on job creators, on small business owners filing as individuals, on investment income, on all those things that actually drive economic prosperity and hiring.

Their favorite talking point claims that all those making more than $250,000 should just be taxed more. While those families reporting income of more than $250,000 may only make up about 2 percent of all tax returns, it is these citizens who are the owners of small businesses that employ 25 percent of America's workforce. These are the same small business owners that created two-thirds of the net jobs in the last decade.

I hear from small business owners in Nebraska every day, and they tell me if faced with a more expensive tax bill, they will be forced to cut costs elsewhere.

In fact, according to the global accounting firm Ernst & Young, the Democrats' tax plan would result in 710,000 fewer jobs compared to simply keeping the current rate the same for all Americans.

The economic wreckage resulting from the tax hike doesn't stop there. In the same study, Ernst & Young estimates these reckless policies will drive wages of hardworking Americans down by 1.8 percent.

Furthermore, investment is estimated to decrease 2.4 percent as the tax on dividends increases. Well, what is apparent here? What is apparent is that less investment means less economic activity, which means fewer jobs, and it is really that straightforward. It is really that simple.

The President and the Senate Democrats apparently disagree over just how much to increase our taxes on dividend income. It is one of the few areas where their plans are not in lockstep, but both plans increase the dividend tax rate nonetheless. While their rhetoric continues to lambaste the ultrawealthy, make no mistake, this tax increase will affect the vast majority of the middle class. When examining historical IRS data, it is revealed that 68 percent of all tax returns showing dividend income are from those Americans with incomes below $100,000.

While adding insult to injury, the President has proposed to increase taxes on the estate of deceased loved ones as well. My friends on the other side of the aisle not only pick up the President's proposal but they make it worse. Believe it or not, they want to tax even more estates at even higher rates than the President. It is astonishing, and unfortunately this reversal on the death tax will disproportionately impact agricultural States such as Nebraska.

In their opposition to the Democratic bill, the Nebraska Farm Bureau and the Nebraska Cattlemen state that allowing the estate tax exemption to fall to $1 million would subject the typical full-time farm or ranch to the increased estate tax rate of—get this—55 percent.

Madam President, I ask unanimous consent that the letters from these two groups be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEBRASKA FARM
BUREAU FEDERATION,
Lincoln, NE, July 24, 2012.

Hon. MIKE JOHANNS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR JOHANNS: On behalf of the over 56,000 members of the Nebraska Farm Bureau Federation, I am writing today to inform you that congressional action to extend

current tax law is urgently needed to provide stability to our nation's farmers and ranchers. Now is not the time to raise taxes on an industry that is struggling with high production costs and extreme weather uncertainties. Farm Bureau opposes S. 3412, the Middle Class Tax Cut Act because of the tax increase it will impose on our industry.

Estate taxes are especially troublesome for farmers and ranchers. S. 3412 fails to provide any estate tax relief which would allow a $1 million per person exemption and 55 percent top rate to be reinstated on January 1, 2013. A $1 million exemption is not high enough to protect a typical farm or ranch able to support a family from estate taxes and, when coupled with a top rate of 55 percent, will make it especially difficult for farm and ranch businesses to transition from one generation to the next.

Capital gains taxes also have a significant impact on farming and ranching, impeding new farmers wanting to enter agriculture and discouraging operations from upgrading and expanding. Extending lower rates for taxpayers making under $250,000 does not mitigate the damage since the sale of farm assets tends to produce a one-time income surge likely to push a farmer or rancher over the threshold.

Farm Bureau believes that estate taxes should be repealed and capital gains taxes permanently lowered. We support passage of S. 3423, the Tax Hike Prevention Act of 2012, to temporarily extend tax relief for all Americans and to put Congress on a path toward fundamental reform.

Thank you for your consideration of our position and the work you continue to do on behalf of Nebraska agriculture.

Sincerely,

STEPHEN D. NELSON,
President.

NEBRASKA CATTLEMEN,
Lincoln, NE, July 24, 2012.

Hon. Senator MIKE JOHANNS,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR JOHANNS: On behalf of the members of Nebraska Cattlemen, I write to you to encourage you to support the generational transfer of Nebraska farms and ranches. One of the highest priorities of the men and women who raise Nebraska beef is to ensure that their land, cattle and other business assets are passed on to their children as easily as possible.

It is our understanding that the Senate will be considering a tax bill tomorrow that ignores farmers and ranchers by proposing that the estate tax revert back to pre-2001 levels. These hurdles of a one million dollar exemption and a 55% tax rate will trip farmers and ranchers causing many to fall out of the race of producing quality food.

We encourage you to vote ''no'' on this detrimental piece of tax language and hold to your commitment to make the estate tax recognize the importance of family agriculture.

Sincerely,

MICHAEL KELSEY,
Executive Vice President.

Mr. JOHANNS. According to the Tax Policy Center, the Senate Democrats' estate tax plan would hit over 48,000 estates with a $40.5 billion tax bill compared to an extension of the current rates. While an extension of current estate tax rates is not perfect—I believe it should be repealed permanently—it is far better than putting over 48,000 families, a large percent of them farmers and ranchers on the death tax rolls. I have said over and over again that death should not be a taxable event. Families should not have to sell the family business and lay off their employees to pay Uncle Sam a 55-percent tax rate on the value of the estate.

All of these ill-advised tax policies taken together add up to bad news for our economy and our country, bad news for our workers, and bad news for every American. The National Federation of Independent Business estimates that the tax increases would result in a U.S. economy that is 1.3 percent smaller than it is today, and that is an outcome for which none of us should strive.

So what is the alternative? Just last week the senior Senator from Washington laid out the Democrats' plan if they don't get their way on raising taxes: Hold the economy hostage and go over the fiscal cliff; make sure everybody's taxes go up by the largest amount in the Nation's history; let the $110 billion sequester for this year strip our military of the resources it needs to keep us safe and impact domestic programs; let the alternative minimum tax wreak havoc on our middle class, with the exemption actually falling below the median household income.

In Nebraska alone, the nonpartisan Congressional Research Service estimates for 2012 there will be over 134,000 potential AMT tax returns compared to 16,000 in 2009. All told, this fiscal cliff will cost us between 3 percent and 5 percent of our entire gross domestic product, trillions of dollars in destroyed wealth, and a CBO-predicted economic recession. That is the plan, and it is astonishing to me that the Democrats would go to these lengths just to raise taxes on our country's economic engine.

My friends on the other side of the aisle will claim that taxes must be raised to address the mammoth deficit. Make no mistake, attacking our deficit should be job No. 1. However, on actual analysis we see that the Democrats' claim is nothing but a mirage. According to the nonpartisan Joint Committee on Taxation, the difference between the Democrats' plan to increase taxes and a simple extension of all the current tax rates is not even enough to cover 5 days of our government spending. It is only three-tenths of 1 percent of our crushing $16 trillion national debt. This simply is not about our national debt or about deficits; it is about an ideological statement and nothing more.

After today's failed vote on these tax increases, it is my hope that we can get together and practice some common sense. Common sense would tell me, let's not raise taxes in a struggling economy. That used to be the President's position before he was up for reelection. Let's not punish our job creators and small business owners, let's not punish our senior citizens and other savers who rely on dividend income, and let's not hinder passing down family farms and ranches from one generation to the next. Let's extend the current rates for as long as it takes to get to work on comprehensive tax reform and actually solve the problems of our Tax Code. Let's get serious and start working on the business that Americans sent us here to do. A massive tax increase will drive our economy to its knees and bring about another recession. We can't afford that.

I yield the floor and 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 Nevada.

Mr. HELLER. Madam President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELLER. Madam President, Reagan once joked that if anyone wants to understand Washington, DC, just look at how they designed the roads—it is full of circles. We don't have too many roundabouts in Nevada, but in Washington, DC, it seems to be part of the culture. Unfortunately, today Washington is going around in circles again. This time it is about whether Congress should raise taxes on small businesses at a time when our economy is struggling to grow.

The sad reality is that we all live in a country with a temporary tax code. Right now there is no certainty for an entrepreneur to start a new endeavor. There is no certainty for a small business that wants to hire a new employee. There is no certainty for businesses to invest in new equipment or in new buildings.

What makes the situation worse is that the American public is now hearing from the majority party that they are willing to take our country off the fiscal cliff, regardless of the economic damage it may cause, by raising taxes, resulting in a smaller economy, fewer jobs, less investment, and lower wages.

President Obama said in 2009:

> You don't raise taxes in a recession . . . because that would just suck up, take more demand out of the economy and put businesses in a further hole.

I agreed with that statement in 2009, and I agree with that statement today.

Let me give my colleagues another quote from President Obama after he supported extending all of the tax rates for 2 years in 2010:

> The bipartisan framework we have forged on taxes . . . will provide businesses with incentives to invest, grow, and hire.

I supported this bipartisan framework as a Member of the House of Representatives. Yet, today, in a complete 180-degree turn, raising taxes and going over the fiscal cliff seems to be the new economic agenda.

The plan the majority party and the President are offering will cost Nevadans more than 6,000 jobs and will shrink the State's economy by $1.7 billion. Let me repeat that. The plan of

the majority party and this President will cost Nevadans 6,000 jobs and shrink the economy $1.7 billion. Nationwide, this plan will hurt more than 700,000 jobs. Is this really the economic strategy Washington should be embracing? My home State of Nevada leads the Nation in unemployment at 11.6 percent. We cannot afford to lose another 6,000 jobs.

Divisive, partisan politics does a great disservice to every American who is either out of work or has taken a pay cut. Those who stay up late at night are wondering how they are going to make their mortgage payments, put food on their tables, or clothe their children. While people across our country are struggling to get by, the Senate majority is pushing legislation that will actually hurt job creation.

Congress should do everything within its power to encourage economic growth, and that begins with providing America with tax certainty. It is true that our current Tax Code is too costly, too complex, and too burdensome. There is no question that the Tax Code is unfair and needs an overhaul. But the best this President and the Senate majority can do is push a tax hike designed for nothing more than perceived campaign sound bites.

Instead of election-year campaign gimmicks, let's have an honest discussion on fundamental tax reform. Last summer I reached out to President Obama to offer to work with him to fundamentally reform the Tax Code in a way that would broaden the tax base by eliminating and closing loopholes and reducing the marginal tax rates both on individuals and businesses. This was an issue I worked on in the House as a member of the Ways and Means Committee and I continue to advocate here in the Senate. Yet here we are today, and instead of debating fundamental tax reform we are taking another show vote on a tax proposal that would raise taxes on small businesses and cost jobs. Again, it will cost Nevada 6,000 jobs.

The Senate was created by our Founding Fathers to be the deliberative body. Yet once again we find ourselves in a situation in which we will be unable to have an open debate on an issue that will affect every single American taxpayer.

The Senate should be debating all tax proposals on a bipartisan basis and working to find consensus on areas to increase American competitiveness. Yet instead of providing our Nation's job creators with clarity and economic certainty, some of my colleagues would rather engage in messaging for a perceived political gain. Raising taxes will do nothing to create jobs in Nevada or this Nation.

As the fiscal cliff draws nearer and nearer, the job growth remains stagnant. Congress should focus on long-term economic solutions that provide businesses the certainty they need to create jobs.

Thank you, Mr. President. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The Republican leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Mr. President, for nearly 4 years now, Democratic leaders in Washington have claimed to want what is best for the economy but done just about everything you can think of from a policy perspective to actually undermine the economy.

Whether it is overwhelming businesses with redtape, burdening them with costly new health care laws or punting on major economic decisions until after the election, Democrats have done everything you would expect of a party more focused on centralizing power in Washington than reviving a weak economy.

And, of course, we have the results to show for it. As a result of the Democrats' policies, we have fewer jobs today than the day the President took office, more signed up for disability assistance last month than got jobs—more people signed up for disability assistance last month than got jobs—and the percentage of Americans who actually can work but are not is at the lowest point literally in decades.

This is the sad legacy of this President's economic policies. And later today we will have a chance to cast a vote for more of the same or for a plan that will help us get off of this hamster wheel we have been on for the past 3½ years.

I am referring, of course, to the very different proposals we will vote on today for dealing with a looming tax hike coming in January: the Republican plan, which gives every American not only the certainty that their income taxes will not go up at the end of the year but that Congress will deliver meaningful tax reform within a year, and the Senate Democratic plan which raises taxes on a million small business owners at a moment when we are counting on them to create jobs, raises taxes on thousands of family farmers and small business owners grieving the loss of a loved one, leaves a middle-class tax hike in place, and reforms absolutely nothing.

We would also like to vote on the President's plan, though it appears our Democratic friends will deny the President his vote.

I will leave it to others to explain the finer points of these plans. But one thing stands out. As I have indicated, the thing that stands out is the Democratic proposal to raise the death tax. This is one of their bright ideas to revive the economy: to raise the death tax. It dramatically lowers the exemption level, so more families actually get hit by it, and dramatically increases the amount of the tax itself. Under their plan, family members who inherit a farm or a ranch would have to write a check for 55 percent—55 percent—of the value of the property and equipment above $1 million, all but guaranteeing that tens of thousands of small and mid-size family businesses across the country will be broken up and handed over to the government instead of passed on to the next generation.

Look, I know some Democrats will try to justify their vote on this stunningly bad proposal by saying they will deal with the assault on family farms later. Wrong. The Democratic bill we will vote on today, by not addressing the problem, makes the tax liability for these families even worse. A vote for the Democratic plan is to vote to put these farms and ranches literally out of business. There will be no stand-alone bill signed into law on the death tax, and anyone who says otherwise is not being straight with the American people.

But there is one big difference between our plan and theirs. The most important difference is this: Only ours is aimed at helping the economy; only ours is aimed at helping the economy; only ours is meant to help struggling Americans in the midst of a historic jobs crisis. Theirs is meant to deflect attention from their continued failure to reverse this economic situation.

Throughout this entire debate, not a single Democrat has come forward to claim that raising taxes on job creators will help the economy. Nobody is claiming that because they cannot. The real motives are based on an ideological agenda, not an economic one.

Ordinarily, Republicans would do everything we can to keep a plan as damaging as the Democrats' plan from passing, and the only reason we will not block it today is we know it does not pass constitutional muster and will not become law because it did not originate in the House. If the Democrats were serious, they would proceed to a House-originated revenue bill, as the Constitution requires.

That said, the potential consequences of inaction on this issue are so grave that the American people deserve to know where their elected representatives really stand—truly stand—on this issue.

That is why I am announcing this morning Republicans will allow a simple majority vote—a simple majority vote—on the two proposals I have described, and that is why we are also calling for a simple majority vote on the President's plan. He is the leader of the Democratic Party. He has been calling for a vote on his plan. I for one think we ought to give the President what he is asking for: a vote on his plan.

So what I am saying here this morning is, we will have a simple majority

vote on the Senate Democratic plan, on the Republican plan, to make sure no one's income taxes go up at the end of the year, and I would also recommend we have a simple majority vote on the President's plan.

The only way to force people to take a stand is to make sure today's votes truly count. By setting these votes at a 50-vote threshold, nobody on the other side can hide behind a procedural vote while leaving their views on the actual bill itself a mystery—a simple mystery—to the people who sent them here. That is what today's votes are all about: about showing the people who sent us here where we stand.

We owe it to the American people to let them know whether we actually think it is a good idea to double down on the failed economic policies of the past few years or whether we support a new approach, whether we think it is a good idea to raise taxes on nearly a million business owners at a moment when millions of Americans are struggling to find work or to do no harm and commit to future reform.

Three votes, two visions. Three votes, two visions. The American people should know where we stand, and today they will.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I suppose Senator MCCONNELL, the leader, has given a preface as to what I want to say. I think the American people should know where we stand on these important questions. That is why I come to the floor, to indicate that I will vote in favor of proceeding to debate on S. 3412, Senator REID's proposal to amend the Internal Revenue Code of 1986. But if the matter does come to a full discussion and debate on the floor, as I hope it will, I will not vote for it in its current form, and I want to explain why.

I feel strongly that the first thing the American people want us to do is get the economy going again so that the economy is creating jobs. I am convinced the best thing Congress can do to restore economic growth and job creation is to enact a comprehensive, bipartisan plan to balance our budget along the lines of the Bowles-Simpson Commission recommendations.

Unfortunately, S. 3412, which is the so-called middle-class tax cut—which would extend the existing reduced tax rates on couples making less than $250,000, but would raise taxes on others making more than that—does not represent such a plan. In other words, it is not a bipartisan plan to balance our budget in a way that will create job growth.

Its enactment at this time, in my opinion, would only serve to preclude debate and action on exactly the broader type of reforms we need to fix our broken Federal Government fiscal system. Just imposing across-the-board tax increases for individuals and small businesses that make over $250,000 a year is neither tax reform nor the balanced deficit reduction agreement our country needs right now.

I do not hesitate, and I will not hesitate, as part of this kind of balanced, bipartisan debt reduction—hopefully, debt elimination—plan to vote to increase the amount of taxes that the wealthiest Americans are paying. But I will not do that as part of a scattershot approach. It has to be part of a program that reduces spending, that reforms spending on our entitlement programs—which are the fastest growing element of our Federal budget—and that reforms our tax system. The bill before us is not such a plan.

I have said over and over that there is plenty of time this year to get a bipartisan, balanced budget program passed in Congress, and that I would vote against both the President's partial repeal of the so-called Bush tax cuts and the Republican plan to extend all the cuts for another year. I think we can do better this year, and I think we must do better. I know that is exactly what our constituents want us to do.

We can cut spending, adopt tax reform, and entitlement reform. While that hope is alive, I am going to vote against both partial measures and proposals to put off the tough decisions about our economic future that our constituents elected us to make. I think both the Democratic plan, which is the subject before us right now in this motion to proceed, and Senator HATCH's plan do not make it. They are partial, and they basically kick the can down the road again without solving our economic problems. Giving the private sector the confidence about our future to invest the trillions of dollars in cash they are sitting on now—which is the only thing that will get our economy growing and creating more jobs; and the private sector businesses will not do that today because they do not know where this government of ours is going—they do not have a sense of certainty and confidence.

So as I said, if for some reason the process that the Senate is facing today changes, and both the Democratic plan to raise taxes on people over $250,000 comes up for a vote and Senator HATCH's Tax Hike Prevention Act, which extends all the tax cuts for another year, comes up, I will vote against both of them because I do not think they do what our country needs to be done.

There is plenty of time, as I said, left this year to do what we have to do.

Why am I going to vote to proceed to debate on either or both of these if I am opposed to each of them as they are drafted? It is because I think there is nothing more important we could do in this Congress than to begin to confront and debate the challenge of our time, which is to get our Federal Government back in balance, to make the tough decisions that will do that, and thereby get our economy going and creating jobs again.

Debate, yes. Let's not hide from debate. Let's confront it and deal with it as quickly as we can. But these two proposals, in my opinion, do not do what our economy needs to be done.

I will say a final word about the deep hole we are in and about the idea of raising taxes on everybody making more than $250,000, but raising no taxes on people making less than $250,000. The truth is we are in a deep hole in this country. We are heading toward what has now begun to be popularly called the fiscal cliff. The challenge to our government is whether we are going to have the courage, the honesty, the leadership qualities to come together across party lines and protect our economy and our country before we begin to go over the fiscal cliff.

I know that requires us to make difficult decisions. Maybe it is easier for me to say because I am not running for reelection this year, but I honestly believe what the American people would most like us to do is to do what we think is right, to do something that does not seem like conventional politics, to have the guts to enact tax reform, entitlement reform, and cut spending. That is really what they want us to do because that is what they know the country needs us to do.

Let me come back to this $250,000. I know it is politically appealing, but the truth is to balance our budget again we are going to have to ask most every American to give a little something so our country will grow and everybody will benefit. Sure, the people who are making the most should pay more in revenue, but I think we are at a point where we cannot simply say to what we generally describe as the middle class that they do not have to give anything else. I think that would be wrong. That is not consistent with the revenue system we have now, which is a progressive and fair system. I want to build on that, reform it in some ways to make it more constructive and make it more likely to incentivize growth in our economy. But let's not take anything off the table. Our economy, as precarious as it is, as it faces very uncertain effects from economic troubles in Europe and even in China now, I think we have to be very careful about raising anybody's taxes in the short run; that is, next year.

What we need is a long-term balanced debt reduction program for America. So that is why I will vote to proceed to vote for debate on these subjects we desperately need, but neither the Democratic or Republican approaches do what this country needs. Therefore, if they come to the floor and we have a debate, I will try to amend them with something like the Bowles-Simpson recommendations. If that fails, I will vote against them because we can do better than that, and the American people have a right to expect that we will.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COONS. 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. COONS. Mr. President, I rise to speak to the issue on the floor before the Senate, the vote we will take later today on two competing plans for our path forward. As the Presiding Officer and I and all of the Members of this Chamber know, our national debt and our deficit are enormous. They are unsustainable. Last week an array of our colleagues on the other side of the aisle came to the Senate floor one after the other to make exactly that point.

Members of both parties agree excessive debt hurts our competitiveness, that it causes interest rates to rise, and it crowds out critical investments in our country's future. My own experience in the private sector and 6 years of tough budget balancing as a county executive in my home State of Delaware taught me how important it is to have responsible budget processes in place to manage our way through difficult financial times, to create opportunity for our communities while still reducing our deficits and debt.

There is no question that high debt levels lead to lower growth in the long run, and it can restrain or starve or strangle the dreams of our communities, our children, for our future. Our deficit and debt is a ticking time bomb, and everyone—Republicans and Democrats, Independents, economists, experts, working families, small business owners, the American people—knows that we want to and have to deal with it. But the key, in my view, is to deal with this problem responsibly and fairly and in a way that reflects America's best.

Our debt is neither a Republican nor a Democratic problem but a shared and structural problem. It took both parties to get us into this mess, and it will take both parties working together to dig us out. Each Member of this body must take responsibility and look at what is best for the next generation not just for winning the next election.

For my part, I am going to continue to fight for balanced and responsible deficit reduction. If the American people can share in the sacrifice in our cities and counties and States all over this country, as they are already doing in my home State of Delaware, then Republicans and Democrats have to show that we too can come together and find a way to compromise.

It is time we recognize a sobering realty: If we are going to plug the hole in national balance sheets, if we are going to avoid the fate of Europe—and it is a big hole in the bottom of America's balance sheet—while still continuing to invest in our future and in the strength and promise and opportunity of our communities, we have to find a more responsible, more fair balance between spending cuts and revenue increases.

We simply cannot achieve the level of savings we need through spending cuts alone. Drastic cuts, dramatic cuts, across-the-board cuts violate our very values and will drive down the possibility of recovery and growth in the future. Spending cuts must be a central part of the solution to our budget problem. But the fact is revenue must also play a meaningful role. We need balance. That is the only way to provide the economic certainty necessary to sustain a recovery and, in my view, the only way to sustain investments that are critical for our future.

Let's be clear about some rhetoric we have heard both out in the country and in this Chamber. The United States does not begrudge success. We, as Democrats, in this Chamber do not resent those who have achieved, who have succeeded. In fact, that is the engine that for generations has drawn people from around the world to this country and has pulled people forward: the hopes and dreams of those who see reason to the work in this country because of the promise of opportunity, the very real history of entrepreneurship, of risk taking, and the very great rewards this country provides those who succeed beyond their wildest dreams through hard work, through innovation, through creativity.

No, we do not resent or reject wealth and success in this Chamber or in this country. In fact, we admire it and want to create the groundwork for a whole new generation of Americans to achieve the successes of the last generation. If we are going to do right by the next generation of Bill Gateses or Warren Buffetts, that requires us to find solutions that make our tax system fairer and to prevent burdening the next generation of Americans with a crushing national debt.

President Lyndon Johnson once said:

> It is not just enough to open the gates of opportunity, all of our citizens have to have the ability to walk through those gates.

The ability of future Americans to walk through those gates, I believe, requires sustainable investments in our future, in our schools and teachers so our children can compete in the global economy and we can keep improving public education and infrastructure; so our businesses can move their products and ideas as fast as our competitors can on our roads and rails and broadband, in research and development; so America can continue to be a world leader in innovation and scientific breakthroughs.

We all know health care costs are among the greatest drivers of our mounting national deficits and debt. We have two paths forward: One, where we cut and constrain and reduce spending, and another where we invest in basic science and research, where we innovate and where we cure our way out of these challenges. I think this latter way of investing in our schools, our infrastructure, our innovation, and in finding path-breaking cures is more true to the American spirit.

Cuts to essential services and programs are already deep. Although this is not broadly known throughout the country, sacrifices have already been made here, and pennies are already being pinched from programs that, in my view, serve the people who can least afford them.

In my home State of Delaware, due to choices we have made here, we have already seen cuts to critical programs such as heating assistance to low-income families and programs such as the community development block grants. Home programs were cut roughly 30 percent in last year's budget, programs that for so long have supported affordable housing for the disabled, for seniors, and for low-income families.

We must continue to make cuts across the board to move our way toward a sustainable Federal deficit. But cuts alone cannot responsibly make our path forward, and we have seen proposals in the other Chamber that would decimate vital safety net programs such as Medicare and Medicaid, shifting the burden of deficit reduction to our most vulnerable citizens. We need to bring balance back to how we solve these problems. We need to do it in a way that puts a circle of protection around those who are most vulnerable in our society.

In previous generations that served in this Chamber, when they came together and reached the resolutions that solved our country's fiscal problems, in 1983, for example, they put a circle of protection around the most vulnerable Americans. They chose not to slash or cut or eliminate those programs that were focused on the most vulnerable in our society: the disabled, low-income seniors, and children in the earliest stages of life.

I think it is important that we remember those values as we look at the choices we make today and as we come together in the months leading up to the election—and, hopefully, after the election—to craft a solution to our structural problem.

Today on the floor the Senate is considering the other piece of the equation from cuts, revenue. We have a stark choice between us today. We have two plans: a Reid plan and a Hatch plan. We have a Democratic proposal and a Republican proposal. Let me put this in some context that I think has been missing in some of the speeches I have heard on the floor earlier today.

In both cases these are plans that make choices about which of our existing tax cuts, which of the existing tax expenditures we will allow to expire and which we will extend. There is a lot of talk about the coming taxmageddon, about the greatest one-time tax increase in American history. But let's be clear. What we are talking about is tax cuts that were enacted in

2001 and 2003 and other tax cuts that were enacted in 2009, 2010, and whether they should be extended or whether these temporary tax cuts should be allowed to be that and expire.

We have two starkly different plans. In one, the Republican plan, they extend all of the Bush tax cuts, even for the highest income earners, even on the marginal rates of the highest income earners. The Democratic plan extends and does not allow to expire critical tax cuts: the earned-income tax credit, the tuition tax credit, and the child tax credit that 25 million Americans—the working poor, working families with children—rely on to get through this difficult recession.

The Republican plan allows all three of those to expire, and thus, to use their language, raises taxes on 25 million of the working poor. It should be an obscenity for there to be people who are working full time and get poor in this country. This is a country, as I said before, of opportunity; the place to which millions have come over generations from around the world seeking the opportunity of this country.

Yet, today, and especially in this economy, ''working poor'' has real meaning, as the rate of poverty has risen to alarming levels, where one in six is poor today, which is the highest since the 1960s. The economic inequality and lack of opportunity and justice for those who are the poorest is at an alarming rate.

We also have, as I said before, a structural challenge before us, a deficit and debt that we must deal with. So the Democratic plan that is on the floor today, which we will vote on today—on whether this body wants to proceed to take a deciding vote on it—would allow the marginal tax rate above $200,000 for individuals, $250,000 for couples, to return to the Clinton era.

Let's be clear because I think this is often lost. Under the Democratic tax plan, we would continue tax breaks for all Americans who earn income and for all small businesses that are revenue-earning but just on the first $200,000 of individual income or $250,000 of couple income. So even the millionaires and billionaires would continue to get some of the benefit of the tax breaks first enacted in 2001 and 2003. What would be raised is the tax rate on income above $250,000 per couple. So everybody continues to get some tax advantage, but the excessive—the highest reductions in tax burden on the very wealthiest Americans we would allow to expire.

What would the impact be on our deficit and debt? It would be $850 billion over 10 years, which, with the interest savings, is nearly $1 trillion in deficit and debt reduction. These are significant savings. If we ask the wealthiest 2 percent of Americans to take on that burden, to go back to the interest rates on marginal income that they lived through in the Clinton era, what might that do? It will significantly reduce the deficit and debt and make it possible for us to sustain the earned-income tax credit, the tuition tax credit, and the child tax credit, and, frankly, it will reflect our values.

This recession has brought an alarming rise in the rate of poverty. I believe our faith traditions—and we come from a very broad range of faith traditions—speak to us and challenge us to show our values. As the Vice President, who held the seat in Delaware before me, has so often said, his father once said to him: Show me your budget, and I will show you your values.

Psalm 72 teaches us that to defend the cause of the poor and to give deliverance to the needy is one of our highest callings. It is repeated throughout the books of the Torah and the New Testament—in many faith traditions all across this country. To reject this deliverance to the needy, to reject the circle of protection for the neediest in our society and instead say that we will extend ad infinitum the tax breaks for the wealthiest Americans defies American values and our greatest tradition of creating and sustaining opportunity while protecting the most vulnerable among us.

I think our belief in the American dream and our commitment to basic fairness and responsible problem-solving calls us forward to vote for the Reid plan.

This bill is not a substitute for the comprehensive tax reform our Nation truly needs. We need tax reform that simplifies the Tax Code and closes many unsustainable and costly loopholes while lowering rates and broadening the base. In the current political environment, I believe this bill, to which I hope this body will turn, is the best chance we have at retaining these important tax credits and opportunities for the working poor while bringing some sanity to the rates at the highest end and asking those who benefited the most to contribute to solving our problems.

Last week I got a letter from Judith in Talleyville, Delaware, who wrote my office saying this:

> Millionaires and billionaires must be asked to pay their fair share toward economic recovery.

Judith puts her finger on the crux of the issue. If we are going to address our deficit crisis and resolve the hole at the bottom of America's balance sheet in a way that reflects our core values, I believe we must move to and consider and pass the Reid plan in this Senate this day.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, today we are debating the proposal of the Senate Democratic leadership to raise taxes on the American people. Pursuit of this tax hike strategy is clearly being instigated by the President's reelection efforts. I suspect that many of my friends on the other side are very uncomfortable with this strategy. I can think of a number of Senate Democrats whose constituents would be surprised to learn their Senator supports tax increases on small businesses, an increase in the alternative minimum tax, and hikes in the death tax.

With the economy still on the ropes, I think they would be surprised to learn their Senators supported a tax hike strategy that might win some votes but at the risk of sparking a recession. That is what the President wants. We will see if that is what he gets. He has pitched his tax hike plan as a way to be fiscally responsible. That could not be further from the truth. One need only look at the treatment of the House budget by my friends on the other side. That budget received more votes than any other budget considered by the Senate, including the phantom budget advanced by the Senate Democratic caucus. The House budget provided $180 billion more in deficit reduction than the President's budget for 2013. The House budget's extra deficit reduction of $180 billion exceeds the differences in deficit impact between the proposal I introduced with my friend and colleague, the Republican leader, and the proposal advanced by my Democratic friends. That is true even if you apply the other side's distorted and misleading accounting of the differences between the two proposals. More on that in a moment.

When we hear our friends on the other side say they must risk going off the fiscal cliff for deficit reduction, consider this: They rejected out-of-hand spending restraints that provided more deficit reduction than is at stake here today.

Not only are the deficit reduction numbers phony, but the President and his Democratic allies in the Senate have repeatedly suggested that they are willing to intentionally drive our economy off what Fed Chairman Ben Bernanke has called the fiscal cliff in order to make a political argument about the top marginal tax rates.

The President thinks he has struck political gold with this argument. He will be able to run for reelection on a platform of raising taxes under the mantle of deficit reduction. Now, this might be politically advantageous, but I doubt it.

I do know that from a fiscal and economic perspective, the President's signature proposal threatens serious damage to our already fragile economy. The President's tax increases on those he deems ''the rich'' in fact represent a massive tax hike on the small businesses that are necessary for economic and job growth. Moreover, until he gets his way on raising taxes on these small businesses, he is threatening every single American taxpayer with a tax hike. Like a petulant child, he is insisting that it is his way or the highway. We have had far too much of that. He will get his way on raising taxes on the small businessmen and entrepreneurs—who find no shelter in today's Democratic coalition of unions, lawyers, and government employees—or he will let

the current tax relief expire, raising taxes on all Americans. This is the antithesis of statesmanship at a time when our economy requires serious direction. It is the political equivalent of a temper tantrum. I expect that American voters will have about as much patience for this as they would a similar fit from their children. The American people want a grownup in the White House, but on tax policy we appear to be dealing with adolescence.

I have said before that the President's proposal is the policy equivalent of Thelma and Louise intentionally driving their convertible off a cliff. The difference is that there is at least some ambiguity left about the fate of Thelma and Louise. If the President gets his way and either raises taxes on small businesses or denies relief to all American taxpayers, there will be no ambiguity about whom to hold responsible when our economy crashes.

When a liberal Democratic President has lost the New York Times, he has lost America. Even the Times understands what is coming if the President continues to put the pedal to the floor and drive us over the fiscal cliff. The Times wrote that ''with the economy having slowed in recent weeks, business leaders and policy makers are growing concerned that the tax increases and government spending cuts set to take effect at year's end have already begun to cause companies to hold back on hiring and investments.''

That is 100 percent right. The election is not for another 3 months, and already the President's lack of direction and the threats emanating from Democratic leadership about letting the tax relief expire are leading businesses to slow down. How can businesses plan for next year and how can they make hiring or investment decisions when they have no idea what their tax rates are going to be? They simply can't. And the President and Senate Democratic leadership, with their delay and confusion about how to extend this tax relief, are doing absolutely nothing to inspire confidence in these job creators.

Rather than address the expiration of the 2001 and 2003 bipartisan tax relief, we have been debating campaign commercials masquerading as serious legislation. Last week the Senate wasted its time on yet another piece of legislation that had absolutely no chance of becoming law and zero prospects for creating jobs. It is worth comparing the puny impact of the bill considered last week to the size of the coming tax hikes—tax hikes so large that the Washington Post has referred to their impending arrival as ''taxmageddon.''

Referring to this chart, look at the impact of the 20-percent credit versus taxmageddon over the next 10 years. The Bring Jobs Home Act would only cost about $87 billion. Taxmageddon is going to cost us $4.538 trillion.

Make no mistake, our small businesses and our economy face an existential threat at the end of 2012. Yet the majority leader schedules votes that generate campaign fodder rather than jobs or lasting economic growth.

Facing a fragile recovery and a weak jobs market, President Obama seems content to sit idly by and allow the scheduled $4.5 trillion tax hike to occur just to make a populist political argument about the need for the so-called rich to pay what he thinks is their fair share. Congress needs to act now in order to prevent this tax hike on America's families, individuals, and job creators.

Look at this chart again—the difference between the Bring Jobs Home Act and taxmageddon. It is clear that they are driving us off the cliff, and they are willing to do it for political reasons.

It is critically important for our economy and the American people that we act now to extend the bipartisan tax relief originally signed into law by President Bush and extended by President Obama back in 2010.

As you can see on the chart, the tax legislation to-do list, nothing was done on tax extenders, although we are willing to work on that with our committee chairman in the Finance Committee; nothing was done on the AMT patch, but we are willing to work on that in the overall scope of things; and nothing was done on death tax reform. In fact, the suggestion by the Democrats is to increase it so that all the small farms—or many of them—will get hammered with taxes, along with a lot of small businesses. Nothing was done to prevent the 2013 tax hikes. No, no, no, no on everything.

This is the most crucial piece of legislation Congress can address this year. If we allow this tax relief to expire as scheduled, almost every Federal income taxpayer in America will see an increase in their rates. Yet that is what our friends on the other side said they are going to do if they don't get their way—like petulant children. Some will see a rate increase of 9 percent. Others will see a rate increase of as much as 87 percent.

Because the vast majority of small businesses are flowthrough business entities, any increase in tax rates for individuals necessarily means that those small businesses will get hit with a tax increase. This tax increase lands on these small business owners even if they do not take one penny out of their business. That is what the Democrats are going to do to them. They are willing to go off the cliff and do this. Our economy simply cannot afford to take on such a fiscal shock.

It was just in 2010 when the President said the economy was so fragile we needed to carry over the 2001 and 2003 tax cuts.

We are in worse shape today than we were in 2010, but unfortunately—or fortunately—we are in an election year. Unfortunately, the President is playing games with these very serious matters.

Our economy simply cannot afford to take on such a fiscal shock. Economists estimate if these current tax rates are allowed to expire, the economy could contract by approximately 3 percentage points. Considering the first quarter GDP growth was 1.9 percent and that expectations are even lower for the second quarter growth—that will be reported this Friday—going over the fiscal cliff would almost certainly throw us into a recession.

I don't know many economists who would disagree with that. Certainly the Fed doesn't disagree. We are going to go into a recession if the Democrats get their way. We could even slip into recession in the second half of this year, given reluctance of businesses to hire and invest due to fiscal uncertainty.

For the President and others who argue we should raise the top two tax rates in the name of fiscal responsibility, I would just like to point out a few things. The Senate majority leader introduced his tax bill—one that largely mirrors the President's proposal—under the auspices of deficit reduction. It closely adheres to the Democratic talking point that the only thing standing between our deficits and fiscal stability is the current top marginal tax rates. We have heard this argument for a year and a half, with the President and his Democratic allies insisting it is not their out-of-control spending that got us into this mess but the Republicans' refusal to allow for tax hikes on the so-called rich.

That is laughable. This argument sounds nice, but it is belied by the actual facts. According to the Joint Committee on Taxation, an apples-to-apples comparison of the Democrats' tax proposal and the proposal I introduced with my friend the Republican leader shows a difference of $54.5 billion. The Democrats' bill—which raises the top rates and expands the death tax, while patching the AMT for 1 year—is scored at $249.7 billion, and the score of my bill—without the 2013 AMT patch—is $304.2 billion.

So we have a debt that is fast approaching $16 trillion. Taxes are set to go up by $4.5 trillion, and Senate Democrats are crowing about their fiscal responsibility, threatening to drive the economy off the cliff, over $54.5 billion worth of tax relief? I believe this is called missing the forest for the trees. In order to satisfy their urge to redistribute $54 billion of taxpayer dollars, they are willing to risk a recession and see taxes go up by $4.5 trillion.

The President recently claimed we need to raise the top two tax rates because ''it's a major driver of our deficits.'' The numbers show this is plain and simple nonsense. The real difference between the Democratic and Republican plans is only $54.5 billion—or about 5 percent of the deficit. That represents .34 percent of our national debt. To put it another way: The Democrats' tax hike proposal would only provide enough additional revenue to pay for 5 days of Federal Government spending—5 days of Federal Government spending.

It is also worth noting what exactly the Democrats' refusal to provide 2 years of AMT relief means for their constituents. If Senate Democrats do not patch the AMT in 2013, their AMT will take away over 40 percent of the tax relief they claim to be providing with their bill. This is their prerogative, but I hope the hometown papers in northern Virginia, New Jersey, New York, Florida, and Colorado are paying attention. I hope they are paying close attention to what a lack of AMT relief will mean for middle-income families in those States.

These tax proposals, in the end, have nothing to do with sound tax policy that maximizes economic growth, and they have nothing to do with deficit reduction. They have everything to do with pursuing an antique economic philosophy that is principally concerned with running down the economy's job creators and entrepreneurs.

The explicit tax policy is only the half of it. We learned yesterday from the Congressional Budget Office the true tax bill for ObamaCare is over $1 trillion. We were promised there wouldn't be any tax increases. It is the biggest fiasco I have seen around here in almost the whole time I have been here. In fact, I can't think of anything bigger.

All the new ObamaCare regulations will cost McDonald's franchisees alone more than $400 million in health care costs. The President might think Ray Kroc did not build McDonald's, but this is delusional. He might view the small businessman who took a chance and opened those franchises as not especially smart, not responsible for his own success, but this is a view that could only be embraced by an academic and activist who has no experience in the private sector.

The Joint Committee on Taxation tells us that 53 percent of all flowthrough business income in the United States would be subject to the President's proposed tax hikes. Take that, small business. The President is saying: We don't care about you, I guess. I do, and Republicans certainly do.

The President's proposal would take the marginal tax rate on small businesses from 33 percent and 35 percent to 39.6 percent and 41 percent, respectively. Look at this chart. This is the increase to small business—the top marginal rates. As we can see, it goes up from 33, 35 to 40 and 41 percent. How could that not help but ruin our economy? This is the kind of economic thinking we are putting up with around here, and it is all coming from the White House. Our friends on the other side apparently don't want to take the White House on. It is an increase of 17 to 24 percent on the marginal tax rates for small businesses.

Ernst & Young recently released a study showing these proposed tax hikes—on top of ObamaCare's 3.8 percent tax increase—on dividends, interest and capital gains would reduce our economic output by 1.3 percent. The Ernst & Young study also found that real aftertax wages would fall by 1.8 percent as a result of President Obama's policies.

Not surprisingly, the study noted 54 percent of the entire private sector workforce is employed by flowthrough businesses, such as S corporations and partnerships, the majority of which would see their taxes go up under the President's plan.

That is where the jobs are. What kind of thinking are they willing to accept on the other side of the aisle? It is hard for me to believe. There isn't a person over there I don't care for. It is hard for me to believe they are not willing to stand up to this President and say: Hey, the game is over.

The truth is many of the people targeted by Democrats as wealthy are, in fact, middle-income, small business owners who spent their whole lives building up a business, then selling it and falling into the top bracket just for the year of the sale.

Consider a real-life example provided by the Associated Builders and Contractors. A husband and wife from Pennsylvania who retired to Florida owned an S corporation. In 2009, the couple paid no Federal income tax because they did not have enough taxable income to owe any tax. In 2010, when they sold their business, their adjusted gross income was about $780,000, and they paid $170,000 in taxes. If they had not sold their business in 2010, they would have paid no taxes. So the one-time sale of the business, built up over many years, caused these small business owners to be in one of the two top brackets for just 1 year, after years of building their business and then having to sell it and have this catastrophe fall on them.

Yet the President would have the American people believe this couple is part of some rich elite who are refusing to pay their fair share. That is not all or, as Ron Popiel would say: But wait, there is more.

Last week, before the ink was even dry on the Democratic leader's small business tax hike legislation, the bill was changed to substantially increase—get this—the death tax. Why was that? Because they found there was only $28 billion difference between the Democratic bill and our bill, and they wanted to find a way to get it up to $50 billion, which is, as I said, 5 days of spending around here.

It might be hard to believe, but this proposal is even worse than President Obama's. The proposal by the Democratic leader would impose the death tax on 15 times the number of estates than under current tax policy, according to the Joint Committee on Taxation—the nonpartisan Joint Committee on Taxation. It would increase the number of estates hit by the death tax from 3,600 estates to 55,200. According to the Joint Committee on Taxation, 24 times more farming estates would be hit by the Democrats' death tax proposal.

What is going on over there? These are intelligent people—our friends on the other side. How can they possibly live with this?

According to the Joint Committee on Taxation, 24 times more farming estates would be hit by the Democrats' death tax proposal which they wrote in here. I have to believe they just did it so they could raise the difference between the two bills from $28 billion—3 days' spending by the Federal Government—to a little over $50 billion—5 days' spending. Let's call it 8 days' spending. The number of small businesses hit by this death tax spike would grow by 13 times.

What would that do to the incentives for people to build small businesses, small businesses that could become big businesses and employ thousands of people? This proposal would subject 2,400 percent more farms and 1,300 percent more small businesses to the death tax.

Farmers work all their lives hoping to leave their farm to their children. They will have to sell the farm to be able to pay the death taxes our friends on the other side have written into this bill. They can't be serious. But they are. I would like to be a fly on the wall when some Members of this body go home and attempt to defend their support for a proposal effectively designed to hobble small businesses and family farms.

The President might think it is no big deal. I am sure he has never been on a farm, other than since he has been President. I am not sure he has ever worked with a small business. He has been a community organizer. That is important, but that doesn't necessarily qualify someone for President. After all, according to the President, those farmers and businessmen were not responsible for their success anyway.

I am going to give the President the benefit of the doubt on that one. I think maybe he misspoke. But I sometimes believe, in the President's view, he thinks these folks aren't very smart; they owe it all to the bureaucrats stationed at the Departments of Agriculture and Labor and their helpful investment-creating regulations. We all know about those, don't we? The sweat and tears and sacrifice of the families and individuals who create and run small businesses have nothing on the hard work and commitment of the mid-level bureaucrats who make their success possible.

But my guess is that some Members of this body have a slightly more nuanced understanding of the importance of these farms and businesses to their communities, on both sides of the aisle. They have to.

There is a limit to what this President should ask of my Democratic friends, and he is asking way too much. They should stand up and say, We have had it. We are not going to do this.

It seems clear what the agenda of the Senate should be. We should be focused like hawks on preventing

Taxmageddon. We should be focused on job creation. Yet instead of addressing these important matters, President Obama and his Democratic allies are spinning their wheels trying to raise taxes on politically unpopular groups. Even the Democrats' treasured Keynesian economics says you do not raise taxes in a weak economy if you want to create more jobs.

The President is devoting his entire reelection campaign toward tax hiking in the name of fairness. We have voted twice on proposals to raise taxes on oil and gas companies for no other reason than that Democratic pollsters found the President's base does not like oil and gas companies. Then a few months ago, we voted on the silly Buffett rule. This was not serious tax policy. It was a statutory talking point—and not a very good one at that. Then there was last week's bill on overseas investment that was little more than a campaign advertisement with cosponsors.

The American people are tired of these political stunts. They are tired of the Senate doing nothing. They are tired of the Senate bringing up bills that aren't going to go anywhere. Every minute Democrats spend playing politics is a minute we fail to prevent the largest tax increase in American history. But instead of working to prevent this massive tax hike on small businesses, the President and the congressional Democratic leadership have doubled down on their tax hike strategy.

Believe it or not, while doubling down on their tax hike strategy, our friends on the other side are pushing the canard that the Hatch-McConnell proposal is a tax hike. Yesterday, one of our colleagues—who I won't name, though he named me—said the following:

> Republicans claim not to want to raise taxes, but the Republican tax bill would let very popular lower and middle-class provisions expire that would cost 25 million Americans an average of $1,000 each. Under the Republican bill, 12 million families would see an end to the—a smaller child tax credit. Six million families would lose their earned income tax credit and 11 million families would lose their American opportunity tax credit.

A little over 11 years ago, one-fourth of the Democratic caucus supported the bipartisan 2001 relief plan which is the foundation of the policy underlying the Hatch-McConnell bill. At that time, the Joint Committee on Taxation showed that the bill distributed an across-the-board tax cut which made the Tax Code more progressive. The 2003 bill was passed on a narrower bipartisan basis and extended on a broader bipartisan basis in 2004 and 2006—bipartisan. The Joint Committee on Taxation data showed that, against current law, the fiscal cliff my friends are threatening is, not surprisingly, basically the same as it was in 2001, 2003, and 2006.

In other words, the Hatch-McConnell proposal provides across-the-board tax relief benefiting virtually every income tax payer, yielding a tax system that is more progressive than we would face if we went over the fiscal cliff. Let me repeat that.

The Hatch-McConnell proposal provides across-the-board tax relief benefiting virtually every income tax payer, yielding a tax system that is more progressive than what we would face if we went over the fiscal cliff. The Joint Committee on Taxation analysis indicates a similar result today.

To be sure, if you count continuous stimulus checks issued by the government to folks who do not pay income tax as tax cuts, the Democrats' proposal does more of that than the Hatch-McConnell proposal. There is no question about that. But when is it going to end? Is the upper 49 percent going to have to continue to carry everything in this country?

Under Federal budget law, those continuous stimulus checks are counted in the main as spending. I would say to the colleague I referred to a moment ago that if the Democrats want to use that talking point—one at odds with conventional budget accounting—it is a free country. But if Democrats are going to make that strained and tortured charge, then they should also answer for the failure of their bill to patch the AMT for the year they claim to be delivering middle-income tax relief.

Their plan exposes 28 million middle-income families to a stealth tax increase of over $3,500 per family. So while they claim that our bill raises taxes by cutting stimulus spending, they are mum on the massive tax increase on 28 million American families implicated in their own bill. I think we might have a case here of folks in glass houses throwing stones.

Make no mistake, Taxmageddon is coming. The only good news is that Congress can prevent this historic tax increase from happening. As I mentioned, I have a bill I have introduced with Senator MCCONNELL—S. 3413, the Tax Hike Prevention Act of 2012—which will prevent this historic tax increase and will pave the way for tax reform in 2013. That is where my focus will be until Taxmageddon is averted. I hope my colleagues will join me in preventing this looming tax increase from being imposed on the American people.

Forty of my colleagues on the other side of the aisle voted to temporarily extend this tax relief in 2010, recognizing that we were in financial difficulty—we are in worse difficulty today—and they should do so again. At that time, President Obama said it would be foolish to raise taxes during an economic downturn, and he acted accordingly. I respect him for that. But he is not acting that way now. This is an election year.

Our economy remains weak today. In fact, it is weaker in terms of growth in GDP than it was at the end of 2010, and incoming data clearly point to even more slowing in the economy as uncertainty from the fiscal cliff has begun to strangle hiring and investment. My friends on the other side have got to wake up to these facts. The only thing that appears to have changed is that President Obama has apparently chosen the path of class warfare and is pursuing a politics-driven tax agenda.

I remember days in the past when my friends on the other side would rise up against even their own President when it came to good economics. I hope they will again, but it appears that it is not so today. My hope is my colleagues, who have supported this tax relief in the past, will put the President's shortsighted and self-interested partisanship aside and vote on behalf of their constituents in favor of S. 3413 to extend this tax relief to America's families and small businesses.

For the sake of the more than 12.7 million unemployed Americans, my hope is that we act to prevent the President's campaign drive to malign small businesses and raise their taxes, and that it does not get in the way of sound tax policy and job creation. To put us through this for a difference of a little more than $50 billion between the two bills is amazing to me. That amounts to about 5 days of Federal spending. And to do this because the President wants it done? Sometimes it is good for this body to stand up and say, Mr. President, you are going too far.

What have I proposed? I proposed that since it is even worse than 2010, when the President thought it was the wise thing to do in a fragile economy that we put over the 2001, 2003 tax cuts for 1 year—1 year—and that we strike out a new force in this Senate and in the House to do tax reform in that year on a bipartisan basis.

I don't believe that is an unreasonable request, especially under the circumstances that we have seen with the potential of Taxmageddon. I actually believe it would be very wise on the part of all Senators to do exactly that. And wouldn't it be wonderful if we could work together for a change over the next year, knowing that year is devoted to tax reform.

Madam President, I ask unanimous consent to have a letter dated July 25, 2012, from the Associated Builders and Contractors printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ASSOCIATED BUILDERS
AND CONTRACTORS. INC.,
Arlington, VA, July 25, 2012.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: On behalf of Associated Builders and Contractors (ABC), a national association with 74 chapters representing 22,000 merit shop construction and construction—related firms, I am writing to express strong opposition to the Middle Class Tax Cut Act of 2012 (S. 3412), an ill-considered measure that would amount to a massive tax increase on business income, capital investment, and succession.

Per the National Federation of Independent Businesses, 14 percent of small business employers will see a double-digit rate

increase under this bill, foisting a large tax hike on nearly one million job creators at the worst possible time. According to a new study by Ernst & Young, these tax increases would cost more than 700,000 American jobs and reduce the economy by 1.3 percent while diminishing wages and capital investment. With roughly 80 percent of commercial contractors paying business income taxes at the individual level, this scenario would disproportionately harm the construction industry.

Worse yet, the resurgent estate tax burden enabled by this bill will harm family businesses across the spectrum. Absent explicit congressional action, uncertain business owners would be faced with an escalated 55 percent rate with a severely diminished $1 million exemption. According to the National Small Business Association, one-third of all small business owners would be forced to sell outright or liquidate a significant portion of their company to pay this punitive tax. In a capital-intensive industry such as construction, with a large proportion of closely-held and family-owned businesses, a reversion to pre-2001 estate tax levels would be nothing short of disastrous.

Rather than exposing nearly one in seven job creators to a perilous fiscal cliff, Congress must act swiftly to extend current tax policies as a bridge to comprehensive tax reform. The Hatch-McConnell alternative plan would do just that, continuing the 2001 and 2003 rates while abiding by the bipartisan estate tax compromise reached in 2010 and providing for a path to reform the code.

ABC strongly opposes the small business tax hikes contained in S. 3412, and urges a NO vote for cloture on the motion to proceed.

Sincerely,

GEOFFREY BURR,
Vice President,
Federal Affairs.

Mr. HATCH. Madam President, I yearn for the day when we can see both sides come together and work together—work together in the best interests of the country.

We know this Presidential election is close. We know they are virtually in a tie right now. Let that play itself out, but let's do what is right here. Let's not hammer small business. Let's not have the biggest tax increase in history. Let's not put this country into a recession—and maybe even a depression. It was irresponsible, in my eyes, for any Democrat or any Republican to say that if you don't give us what we want, we are going to allow Thelma and Louise to go off the cliff. And we are Thelma and Louise in this situation.

We can work together on an economic program that hopefully everybody in this body—or at least the vast majority—can support in a bipartisan way.

I hope we can get through this. I am very concerned about our country and very concerned about the way these types of things are being brought up in this election year.

I will make one last comment. The Senate is not being run like the Senate. We are not going according to the regular order. We are not going through the committees. It is pure politics. I expect a little bit of that, but I don't expect everything to be pure politics. When our side isn't even given a chance in many circumstances to bring up amendments in the greatest deliberative body in the world, you can see why there are some bad feelings around here. And it is all being done to protect some Members here rather than doing what is right for the economy and for our country. We have got to wake up and start doing things in a little better fashion around here. I hope we can.

I hope my colleagues on the other side will accept my suggestion here. It is done in good faith. I believe we can dedicate next year to tax reform, and I believe we can get it done if we work together. I believe we can bring this country out of the morass it is in. And I suspect if my colleagues on the other side will support what I have suggested here today, the economy will start to turn around almost immediately. It seems to me it would be to their benefit in this Presidential election year, even though I don't trust what some have done in the past.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, I am going to deviate for a moment from my prepared comments. I listened to my good friend and colleague from Utah, Senator HATCH. I respect him greatly. As perhaps the only person who actually runs a small business, I wish to comment on a few things and comment on this important piece of legislation we have in front of us.

Small business is defined not by the SBA, which is 500 and below. When I talk to small businesspeople, they wish they had 500 employees. It would be a dream, but it is not a fact. We have to be careful about the numbers, and there are a lot of numbers being thrown around.

There was the story about the gentleman from Florida who sold his business and paid more taxes. I will be corrected if necessary, but when someone sells their small business, they pay capital gains tax, which is about 15 percent. So when they make more money when they sell their business—I have sold several of my small businesses over the years, and if someone doesn't reinvest, they pay a certain rate, and when they reinvest, they can bypass it through an exchange afforded through the Tax Code.

My friend from Utah sits on the Finance Committee. I am guessing the small businessperson had a pretty good rate, 15 points, which isn't bad. Let me also make sure and be very clear, again, there are a lot of numbers thrown around. The bills are very simple. They both cost money. One costs $930 billion over the next 10 years and one costs $250 billion. The proposal my friend from Utah suggested costs $930 billion over 10 years. That is how the Congressional Budget Office scores these things. We can argue if we agree or disagree. It is amazing on days they like the numbers they agree, on days they don't like the numbers they disagree.

The Congressional Budget Office is the Congressional Budget Office. I don't like the group. I like the people. I think they have a black magic box there and come up with numbers. The fact is, those are the numbers. That is the bipartisan organization that is selected by this body jointly to determine these numbers. We can argue over them after the fact. For example, when this extension that my friend talks about over there that in just 1 more year—how many times have we heard that? I have heard it twice since I have been here. It was a 10-year deal when it was first passed that would bring this relief and this growth and this economy beyond our belief. In the last 3½ years, I don't know, the economy crashed. It is recovering now and struggling.

When I came here, they said: We need to extend it for just 2 years to help the economy. So we extended it. I voted to extend them all for 2 years. I am not doing that again. We can't afford it. For 2 years, we had this extension that was supposed to boom the economy. We have had a slow-growth economy. The people growing this economy are the small businesspeople. These are the people who have 25 or less employees. They are the real small businesspeople.

As a matter of fact, this bill—and I heard the number. Again, I ask people to listen to the numbers and the twisted commentary that everybody gives on both sides. In Alaska, we say it how it is. Here are the facts, and we saw them in the documents, whatever may be presented to us. Ninety-seven percent of the small businesses in this country will not see a tax increase because they are real small businesspeople.

When we walk out of this building and we go down the street for lunch and see the restaurateurs that are operating, there are not 500 employees. There are 10 or 15 employees. I talked to the owner at the Alaska Growth Company today. He has 15 employees. The largest SBA lender, bigger than Wells Fargo, bigger than Key Bank, bigger than all of them, has 15 employees. That is a small business. Those are the people we are talking about.

I respect my friend. He has been a lawyer all his life. I am not a lawyer. No disrespect to lawyers. I am a small businessperson. That is where I made my living, that is where I make my living, and that is where our family makes our living. Let's make sure it is clear what we are talking about.

When the Senator talked about—I can't remember the exact percentage—but 54 percent of these dollars are passed through. He talked about dollars. Yes, because the 3 percent or the employers who have over 25 or 50 employees have huge revenue streams. The small businesspeople in this economy, 97 percent of them make less than $250,000 net income. That is what we are talking about. I think every small business would love to have net income over $250,000. They strive for it every

day. I know I do in my small business. I hope every day we achieve these numbers. As the public listens carefully to the debate and as the minority leader said earlier today, there is a difference, a clear difference. We cannot afford their bill. The taxpayers cannot afford their bill. It is $930 billion over the next 10 years, plus interest costs. I heard over and over from the other side, 40 percent of what we borrow is—we have to borrow to pay our bills. Forty percent of everything we pay, we have to borrow. Where are they getting the $930 billion? Where is that coming from? It costs money, it costs interest, and we don't have it because over the last decade and a half Democrats and Republicans spent like there was no tomorrow. Tomorrow is here.

We have to determine what our priorities are. Despite the fear tactics being laid out, I support small businesses 100 percent. Many bills I presented and supported over the last 3½ years were about protecting and growing our small business. Define a real small business. There are people who have to take their credit cards and figure out how to get capital because banks will not give them the money. They have a dream of an opportunity and people look at them and say: How much money do you have in the bank? You can mortgage your two homes or one home or you can put everything up that you have as collateral, plus maybe your first born. I have been through this.

My wife started her small business with a small investment out of her retirement funds, her own funds, and a small $30,000 SBA loan. Just as a side note, I get so frustrated when I hear these ads, everyone is going to exaggerate what they hear and see. I am sure, whatever I say today, in 2 years they will take a couple words and use them against me. I expect that. They will say whatever they want. That is what opponents do in campaigns. It is too bad we can't talk about the issues.

I am not here to defend the President. The President gets to defend himself. That is what he does. I have disagreed with the President more than once. I have disagreed with my national party more than once. His point is when we build a business, there are other elements that help build it.

For my wife's business, it was an SBA loan. I had a vending business. When I had those trucks on the street, those roads were built by a collective group of taxpayers who helped to build those roads. It is a combination of those things. Don't get me wrong. It is the blood, sweat, and tears of small businesses and the people who come up with the dreams and ideas that create these businesses and push it forward.

So I sat here patiently. As I was presiding, I listened. The numbers are simple. One costs more, one costs less. The taxpayers can't afford it. As I said, 2 years ago, I supported the extension because I was told we were going to invest. We were going to grow this economy significantly. We have grown it on the backs of small businesspeople. That is on whom we have grown this economy. That is where the fastest growing population of new employees are coming from.

To my friend on the other side of the aisle, we gave that idea a shot. It didn't perform. I have to say as to Thelma and Louise—a scene I hear about all the time—thank God they were driving an American car. My bet is they landed safely on the other side wherever they went. But the fact is, it was in this body—and I heard the same arguments on the other side: We can't help our auto industry; we can't help them out of what they are struggling with—we took a calculated risk to support those businesses that manufacture and employ people and today they are thriving because this body said we are going to take a risk. Again, Thelma and Louise, thank you for driving an American car.

This is simple. It is about making sure 98 percent of Americans today continue to have tax relief. It is about 97 percent of the businesses continuing to have tax relief—small businesses. It is important that we do this not only for the economy but for these families who are struggling. There are 300,000 families in Alaska alone who will benefit from this relief.

There is a comment that I think Senator LIEBERMAN said earlier, and I recognize his point. His point is we should have real tax reform. I agree and that is why I sponsored a bill with Senator WYDEN and Senator COATS on real tax reform. We are moving down the path, but we have to keep doing some things here. We have to do some things that keep the economy moving forward in the right direction.

A typical family of four in Alaska, if not without this relief, will pay another $2,200 a year in taxes. A married couple making $80,000 with one teenager at home and another in college will see their taxes go up by $2,250. A couple earning $130,000 with one child will see their taxes go up $4,000. I could go on and on. We have choices to make, and they are not going to be fun. Those days are gone. They did that in the last decade and a half when they had all kinds of money to spend. We are in a different situation. We have to make choices of whom we invest in to grow this economy.

I will invest in the small business community, the 97 percent that will continue to receive tax relief under this bill and the 98 percent of Middle America who are working every day to try to make ends meet. These are the folks I am focused on.

I recognize my colleagues on the other side want to again see massive tax reform. We have not had it since the early 1980s. I have not been here since then. I know a lot of these guys have been here a long time and sit on the Finance Committee and other committees. Do it. I am all game for amendments on the floor. I am all game for that. We did it on the farm bill. I believe we had 80 amendments. We had a ton of amendments on the Transportation bill. It doesn't bother me one darn bit. Vote on whatever we need to and move on. Let's move this economy forward and keep moving forward on the legislation that is critical.

Let me end on one point. I respect my colleagues on the other side. We agree many times and sometimes we disagree. Today we disagree on this issue. We don't have the money. We have to limit where we can put our resources and target them in the best way we can.

As I said, I voted a couple years ago for this extension on everything and more layoffs occurred in these big companies and certain things happened that didn't show the economy growth. One thing did happen. Small businesses did grow. For the first time in 5 years, home prices reported last week are up. New home starts are up for the first time in many months. Why are those up? Because the small business community and Middle America are starting to put money into those areas. That is important because that will grow this economy and grow it beyond our belief over the next decade, plus.

But for us to say we can still have the train moving at the speed we were moving at before the crash, we can't do it. We can't extend these tax rates for everyone. They want us to give a little, so we are asking the top 2 percent to give a little bit. At the end of the year, my guess is we are not going to extend the payroll tax. We can't afford it, so that means people on the other end will have to give a little bit. As my friend Senator LIEBERMAN said, everyone needs to give a little bit. Yes, we are going to do that.

From my end, I see the give and take and tough decisions that are necessary. That is what we were elected for, and that is why we are here. To keep business as usual and say: Just for 1 more year, we will do tax reform someday, well, that day is here. There is no tomorrow, and we have to make tough calls. So why not give the relief to the real 97 percent of small businesses?

Again, I have to clarify. I have a sub S. I have an LLC. I understand this. One comment my friend said was even if the owner didn't take a dime—I have a small business where I didn't take a dime. My LLC made money. I paid not corporate, but I paid a passthrough through me because I get a sub S, which is a combination of corporations.

The point is everyone needs to give a little to make it happen and make it work. Today we are asking one group to give a little but making sure the bulk of our economy continues to move forward. We want to make sure the 300,000 Alaskans whom I see on a regular basis still get the relief; for the small businesses that are creating jobs and creating a dream where they have to put a max on their charge cards to build the businesses because they can't get capital from the banks, or spending

time cashing out their retirement because they believe in their dreams, that this might be their opportunity, these are the people I want to support.

So, again, I appreciate the time. I wish we had more than what happens when we come down, we speak, we leave; we come down, we speak, we leave. There is no real give-and-take. I wish my friend from Utah was still here. We could have a great conversation about the data he used. But here is one simple point: One costs about $1 trillion, one costs about $150 billion. We can afford the lower cost option which protects 98 percent of the people in this country, giving them relief, and 97 percent of our small businesses.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. FRANKEN. Madam President, I wish to thank the Senator from North Dakota, Mr. HOEVEN, for his courtesy of allowing me to speak now so that I may take the Chair and listen to his speech.

I rise today to urge my colleagues to support our economic recovery, endorse fiscal responsibility, and bolster the middle class by voting to extend tax cuts on income up to $250,000.

Minnesotans are still struggling, and we need to act now so people making under $250,000 can keep their tax cuts. Middle-class families need every bit of help they can get. At the same time, we need to make sure the richest 2 percent of Americans are paying their fair share so we can pay down the deficit. It would be irresponsible not to.

Thanks to the policies of the Recovery Act, we emerged from one of the worst recessions in generations and actually stopped it from becoming the second Great Depression. That being said, too many working families are still struggling to find work, pay their rents or their mortgages, find affordable childcare, and send their kids to college. By extending tax cuts to these families, we will be putting money in their pockets and, in turn, they will likely go out and spend that money in their communities, at their local small businesses, and further bolster recovery.

My colleagues on the other side of the aisle look at this a bit differently. They have put forward a proposal that would extend tax cuts on income over $250,000 for a year as well, which would cost us over $800 billion in revenue over 10 years. They argue if we let taxes go up on the richest 2 percent of Americans, we are inviting another recession and we are stifling growth. They can make that claim over and over, but there is no evidence of this. It would be more helpful to examine the facts and what recent history has taught us.

First, it is essential to clarify who exactly would get a tax cut under the Democratic proposal. Luckily, the answer is easy: essentially everyone. If we pass the bill proposed by the majority leader and extend the tax cuts on the first $250,000 of income, everyone who currently pays income taxes will get a tax cut extension.

If a person makes $50,000, our bill preserves that person's entire tax cut. If a person makes $100,000, this bill preserves their entire tax cut. If a person makes $250,000, it preserves the person's entire tax cut, and their tax cut is also a lot bigger than the guy making $50,000 or $100,000. That might not be clear from some of the rhetoric we have been hearing lately, but it is true.

People making over $250,000 would still get a tax cut worth thousands of dollars, and it would be larger than anybody else's tax cut. The only portion of their taxes that would increase—or it would stay the same as under the law we have now, which is to not extend the Bush tax cuts—would be on any additional income above $250,000. If a person makes $250,000 plus $1, that person pays 39.6 percent on that extra $1. That is a difference of 4.6 cents, a little less than a nickel. So for those people under this plan, they get the benefit of thousands and thousands of dollars in tax cuts, minus a nickel.

Secondly, claims that not extending the extra tax breaks for the richest 2 percent will cause harm to the economy are not supported by history. Let's take a look at President Clinton. When he proposed his deficit reduction plan in 1993, every Republican in the House and every Republican in the Senate opposed it. And what was their claim? Their claim was that it would hurt businesses and cause a recession. Every Republican voted against it.

What really happened in the ensuing years? Not only did we have an unprecedented expansion of our economy for 8 years, creating more than 22 million new net jobs at the very tax rate we are talking about now for people over $250,000, but, at the same time, we turned the biggest deficit in history into the biggest surplus in history. President Clinton handed President George W. Bush a record surplus. So the only time in the last 30 years in which we actually had the budget in balance was after we raised taxes on those at the top—the very level we are talking about now.

Between 1993 and 2001, this country created an unprecedented number of jobs—22.7 million net—and did so while benefiting everyone up and down the economic ladder. Not every individual but every quartile. There was economic growth in every quartile. We witnessed a decrease in the number of Americans in poverty, and we saw the creation of more millionaires and billionaires than ever before. President Clinton's deficit reduction plan not only reduced the deficit as planned, it eliminated it entirely. So not only did we create all that prosperity, President Clinton then handed off a record surplus. I think this needs to be said. He handed off a record surplus to incoming President George W. Bush.

In fact, when President Bush took office, we were on track to completely pay off our national debt with $5 trillion of surpluses projected over the next 10 years. In other words, we would have zeroed out our national debt last year—zero, no debt. But he cut taxes in 2001, and he cut taxes in 2003, after we went to war—unprecedented in our Nation's history.

The decision before us today is a fundamental one: Should we extend these tax cuts on income up to $250,000, preserving tax cuts for everyone, with the largest tax cuts going to those with incomes of $250,000 or more—they would get the largest tax cuts—or should we ask the richest 2 percent to pay their fair share, to pay 4.6 percent extra on income over $250,000, which has been shown historically to create jobs? It poses a question about choices: We can choose to do the economically responsible thing or we can choose to provide additional tax cuts for people who least need them.

When everyone pays their fair share, our Nation can get back on a path to fiscal responsibility and, at the same time, invest in quality education, in infrastructure, in R&D for high-tech industries. These are the things which create prosperity. We can create good jobs in our manufacturing sector and other emerging industries.

In fact, investing in the middle class is a win for everyone. The buying power of the middle class is what sustains our economy, makes it grow. Our economy doesn't grow from the top down. If our experience over the last 30 years teaches us anything, it is that. It grows from the middle class out. President Clinton understood that and so does President Obama.

I have friends who have been very successful in the business world. I have enormous respect for them and what they have accomplished, and I do for almost every American who has been successful in building their businesses. There are some people who have taken some shortcuts and maybe don't deserve our approval, but they are a very small fraction. We honor, we celebrate people who have been successful.

This is what my friends who have been successful tell me. They say when the middle class is strong—when they have customers—they grow their businesses and can make more money. Believe me—I have had friends tell me exactly this—they would rather pay a 39.6-percent marginal rate on $2 million of income than pay 35 percent on $1 million of income. That is the difference between a booming economy and a stagnant one. How many times have we heard that the deficit is what is hurting our economy? We are talking about a difference of almost $900 billion to get our deficit under control. All this is just common sense. It is common sense and taking a little bit of a look at history over the last 30 years. Policies that support and grow the middle class benefit everyone and increase prosperity all along the economic spectrum.

So, in the end, we have a big decision to make today. Do we stand for our

economic recovery and for middle-class families and for addressing the budget deficit with the Democratic proposal or do we continue to give extra tax breaks to the richest 2 percent of Americans instead of extending improvements in the child tax credit and earned-income tax credit affecting more than 13 million working families while adding hundreds of billions of dollars to the deficit?

Let's be clear. The Republican plan would raise taxes on 13 million middle-class and working-class families and get rid of the expanded earned-income tax credit to people who are working so we can pay for tax cuts for millionaires and billionaires. I hope we can show the American people that common sense still prevails in the Senate by acting in unison across the aisle to do what is responsible.

I urge all of my colleagues to extend the middle-class tax cuts and to vote for the majority leader's bill.

Thank you, Madam President. I thank my colleague from North Dakota, Senator HOEVEN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. HOEVEN. Madam President, I rise to speak on the need for progrowth tax reform rather than a tax increase.

President Obama has proposed raising taxes. He says that we should raise income taxes on individuals and small businesses, that we should raise capital gains taxes on investments, and that we should raise the estate tax, meaning raise the death tax on American families.

For example, take the estate tax. You have a farmer. Right now, if he wants to pass his farm on to the next generation, for any value over $5 million, he has to pay the estate tax. Generally, families may be able to do that. They may be able to borrow the dollars required and pass the family farm on to the next generation. But under this proposal, that changes. Instead of paying the estate tax on anything over $5 million, now that farm family would have to pay the estate tax on anything over $1 million. So think about a farmer in my home State of North Dakota or maybe in Minnesota or anywhere else throughout the Midwest. How do they pass on that family farm when they are going to have to pay taxes on any value over $1 million? So now they are looking at a situation where they are going to have to sell that farm rather than have their children continue farming an operation that may have been in that family for generations. That is a real problem for our farmers, for small businesses, and for families across this great country, and it certainly is not going to help our economy. In fact, it will hurt our economy.

The President himself has said that we cannot raise taxes in a recession. He has said repeatedly that doing so would hurt the economy and would, in fact, hurt job creation.

So let's review our situation right now. Our situation right now is that we have 8.2 percent unemployment. We have more than 41 months in which unemployment has been above 8 percent. We have 13 million people out of work, and we have another 10 million people who are underemployed. So you are talking about 23 million people in this country who are either unemployed or underemployed.

Middle-class income, since this administration has taken office, has declined on average from approximately $55,000 to $50,000.

Food stamps use. Food stamp recipients have increased from 32 million recipients, when this administration started in office, to 46 million food stamp recipients today.

Home values have dropped on average from $169,000 to $148,000.

Economic growth. Economic growth in this recovery is the weakest of any recovery since World War II. For the last quarter, our growth was 1.9 percent versus the prior quarter—1.9 percent.

Job creation last month: 80,000 jobs. But it takes 150,000 jobs gained every month just to hold even with our population growth, just to start reducing that 8.2-percent unemployment rate.

Those are the facts. They speak for themselves. You can draw your own conclusion.

The President's approach to our economy is making it worse. His failure to join with us in extending the current tax rates and engage in progrowth tax reform rather than raising taxes is sitting on our economy like a big wet blanket. But we can change that, and we can change that right now. We do it by extending the current tax rates, the tax rates that have been in effect for 10 years—not raising them but extending the current tax rates for a year—by engaging in comprehensive, progrowth tax reform, and also, of course, by getting control of our spending. Business investment and economic activity would respond immediately.

Look at the latest information from the Congressional Budget Office. The CBO projects that the economy will contract—will contract—by a 1.3-percent annual rate for the first 6 months of next year if the fiscal cliff is not addressed, meaning the current tax rates, which go up at the end of the year unless we address this, an increase in taxes and the sequestration.

Now, if those things are addressed with the approach we have put forward, instead of an overall one-half percent of growth next year, you are looking at 4.4-percent growth for our economy. Those are the CBO's statistics. Think of the difference—think of the difference—that would make for those 13 million people who are looking for a job. It just stands to reason because business needs certainty to invest, to grow, and to hire people, not higher taxes. With legal, tax, and regulatory certainty, businesses in this country would invest and grow.

Right now, there is more private capital on the sidelines than at any other time in the history of our country. Private investment capital that businesses would otherwise invest and get this economy growing and get people back to work is sidelined because of the regulatory burden, because of the government spending and the deficit and because of plans like this to raise taxes. It is that situation which is sidelining private investment and private capital. That means slow economic growth. That means higher unemployment. That means more people without jobs. That means less revenue to reduce our deficit and our debt.

So clearly raising taxes is not the way to go. But President Obama says: Now, wait a minute, everybody needs to pay their fair share. Right? You hear him say that all the time: Everyone needs to pay their fair share. Well, of course everyone needs to pay their fair share, but the way to do it is with progrowth tax reform and closing loopholes. That is exactly what we have proposed, not raising taxes on more than 1 million small businesses in this country—the very job creators in this country—as the President has proposed.

Let's take a look at tax rates for just a minute. We talk about this all the time. Let's take look at these tax rates. According to the National Taxpayers Union, for the tax year 2009, the top 5 percent of taxpayers paid almost 60 percent of the taxes. One more time. The top 5 percent of taxpayers paid almost 60 percent of all the income taxes paid. The top 10 percent paid 70 percent of all income taxes, and the top 50 percent paid 98 percent. The top 50 percent of taxpayers paid 98 percent of all income taxes.

So what we are proposing is progrowth tax reform, closing loopholes. Let's extend the current tax rates for 1 year and set up a process to pass comprehensive, progrowth tax reform that lowers rates, that closes loopholes, that is fair, that is simpler, and that will generate revenue from economic growth rather than higher taxes. The reality is that, along with controlling government spending, is the only way we are going to balance our budget, that is the only way we are going to get on top of our deficit and debt, and that is the only way we are going to get these 13 million people back to work. Because that is how this American economy works—when we stimulate that private investment, that entrepreneurial activity of small businesses across this county that has made our economy the envy of the world.

To be successful, this effort has to be bipartisan. We have to join together in a bipartisan way to make it happen. So let's get started. Let's give small businesses in this country the legal, tax, and regulatory certainty, the business climate, the environment they need to encourage private investment and innovation and job creation. That is the

American way. That is the real American success story. We can do it, we need to get started, and we need to make it happen now.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Virginia.

Mr. WEBB. Mr. President, I would like to take some time at this point to talk about some events in Asia. I think we all need to be paying very close attention to them. Before I do that, I would like to clarify my position on the vote we are going to be taking this afternoon.

First, I wish to emphasize that I agree with all those comments that have been made by my Democratic colleagues about needing to keep these tax cuts in place for our lower income workers, our middle class; I just happen to believe we need to keep them in place for everyone who is making their income through what we call ordinary earned income.

Earned income, ordinary earned income, is the strongest indicator that a person in this country is actually accumulating wealth, which is the American dream, and it is not necessarily that you have wealth—whatever the amount may happen to be. Passive income, which is income from capital gains, such as investment in stocks or dividends, is one of the best indicators that you actually have accumulated a certain amount of wealth—you have enough money to set aside and invest it.

So my long belief has been that if we are going to raise taxes on income, in addition to these other things we have been talking about with respect to tax loopholes and subsidies and those sorts of things, we really ought to be doing so in the fairest place, and the fairest place is from passive income, not ordinary earned income. I have said since the day I announced for the U.S. Senate years ago that I will not vote to raise taxes on ordinary income of any amount. I gave a rather detailed set of floor remarks several months ago about this issue.

I would like to share this particular chart with my colleagues today before I begin speaking on the situation in the South China Sea. This shows sources of income for the top 0.1 percent. We keep talking about these people at the top who are not paying their fair share. Well, two-thirds of the money that is being made by the top 0.1 percent in this country—that is 140,000 taxpayers—is being made from passive income. It is being made from capital gains and dividends, which are taxed at a much lower rate than ordinary income—right now, 15 percent.

So in addition to fixing the larger Tax Code, I would like to say again to my colleagues that this is the area where we really should have the courage to make some decisions.

I was reading an article in the Economist—this week's edition—pointing out that American profits, corporate profits as a percentage of GDP, are actually higher now than they were at the high point before our economic crisis. In other words, corporate profits have gone up to a point where they are now about 15 percent of our GDP at the same time our wages have stagnated and gone down. They made one point in here where they said there is an irony that a high share of GDP for profits automatically results in a low share for wages. Why? Because the people who are making the money by running these companies—the executives—are selling their stocks, their stock options, taking the lower percentage on capital gains in order to make their money.

So I am not going to vote for raising taxes on ordinary earned income. But, again, I will renew my suggestion to this body that we take a good, hard look at this because this situation is creating the greatest disparity among our people.

SOUTH CHINA SEA

Mr. President, for many years, since well before I came to the Senate, I have had the pleasure to work and travel inside East Asia in many different capacities—as a marine in Okinawa and Vietnam, as a journalist, as a government official, as a guest of different governments, as a filmmaker, as a business consultant.

What we have been able to do, I think, in the last 5 or 6 years in order to refocus our country's interest on this vital part of the world is one of the great success stories of our foreign policy. But at the same time, we have to always be mindful that the presence of the United States in Southeast Asia is the guarantor of stability in this region.

If you look up here at the Korean Peninsula, you will see that for centuries there has been a cycle where the power centers have shifted among Japan, Russia, and China. This is the only place in the world where the geographical and power interests of those three countries intersect, and they intersect, with the Korean Peninsula being right in the middle of it.

We saw earlier, actually in the middle of last century, what happened when Japan became too aggressive in this part of the world. The Japanese fought Russia in the early 1900s. They defeated them. This is when they moved into Korea, occupied Korea, moved into China.

This resulted in our involvement in the Second World War. And since the Second World War, our presence has been the guarantor of stability. We have seen blowups, the Korean war when we fought China in addition to North Korea, the Vietnam war, in which I fought. But generally the long-term observers of this region, people such as Minister Mentor Lee Kuan Yew of Singapore, will say that the presence of the United States in this region has allowed economic systems to grow and governmental systems to modernize. We have been the great guarantor of stability.

The difficulty we have been facing in the past 10 to 12 years has been how to deal with the economic and international growth of China in this region. Before China's expansion, when I was in the Pentagon in the 1980s, we had seen the reemergence of the Soviet Union. When I was in the Pentagon at that time, on any given day Russia's dream of having warm-water ports in the Pacific had been realized, to where they would have about 20 to 25 ships in Cam Ranh Bay, Vietnam, at the end of the Vietnam war. But for the past 10 to 12 years, the challenge has been for us to develop the right sort of relationship with China so we can acknowledge their growth as a nation but maintain the stability that is so vital in this part of the world.

The last few years have been very troublesome. There have been a number of issues out here in the South China Sea that for a long time our military leaders assumed were simply tactical engagements where Chinese naval vessels and fishing vessels would be involved in spats with the Philippines off the coast of Vietnam. But it became very clear—and also in the Senkaku Islands near Japan.

It became very clear after a while, though, that what we are seeing are sovereignty issues. People were talking for many years about solving the situation in Taiwan, the sovereignty issue in Taiwan. It was clear—I was speaking about this for many years—that there are many other sovereignty issues once Taiwan is resolved: the Senkaku Islands, which Japan and China both claim, the Paracels, which China and Vietnam both claim, the Spratlys, which are claimed by five different countries, including China, Vietnam, and the Philippines.

So we started seeing a resurgence of incidents that became military confrontations over the past couple of years. Our Secretary of State and this administration were very clear 2 years ago, almost to the day, that these situations were not simply Asian situations, that they were in the vital interests of the United States to be resolved peacefully and multilaterally.

We have been struggling on the Foreign Relations Committee to try to pass the Law of the Sea Treaty where these sorts of incidents—which, by the way, are more than security incidents, they involve potentially an enormous amount of wealth in this part of the world. We have had a very difficult time getting a Law of the Sea Treaty passed where most of the countries around the world recognize the basic principles of how to resolve these international issues through multilateral involvement.

In the absence of a Law of the Sea Treaty, and, I think, with the resurgence of the Chinese—a certain faction of the Chinese tied to their military, China has become more and more aggressive. This past month has been very troublesome. On June 21, China's State Council approved the establishment of what they call the Sansha City

Prefectural Zone. This is literally the creation from nowhere of a governmental body in an area that is claimed also by Vietnam.

Unilaterally on Friday, July 13, because of disagreements over how to characterize the South China Sea situation, ASEAN—the Association of East Asian Nations, a 10-nation body, which has been very forthcoming in trying to solve these problems—failed to issue a communique about the South China Sea issues, a multilateral solution of the South China Sea issues.

On July 22, the Central Military Commission of China announced the deployment of a garrison of soldiers to the islands in this area. The garrison will likely be placed in the Paracel Islands right here, as I said, claimed by Vietnam, within the exclusive economic zone of Vietnam.

July 23, China officially began implementing this decision. It announced that 45 legislators are now to govern the approximately 1,000 people who are occupying these islands. They have elected a mayor and a vice mayor. They have announced that a 15-member standing committee will be running the prefecture. They have announced that this city they are creating will administer more than 200 islands, sandbanks, reefs, covering 2 million square kilometers of water.

In other words, they have created a governmental system out of nothing. They have populated with a garrison an island that is in contest in terms of sovereignty, and they have announced that this governing body will administer this entire area in the South China Sea.

China has refused to resolve these issues in a multilateral forum. They claim these issues will only be resolved bilaterally, one nation to another. Why? Because they can dominate any nation in this region. This is a violation, quite arguably, of international law. It is contrary to China's own statements about their willingness to work with ASEAN, to try to develop some sort of code of conduct. This is very troubling. I would urge the State Department to clarify this situation with China and also with our body immediately.

I yield the floor.

Mr. ROBERTS. Mr. President, I rise to share my concerns over the proposed changes in the estate and gift tax provisions of the current Tax Code that will be considered within hours on the floor.

Similar to much of the Tax Code, the estate and gift tax provisions are terribly complex, costly to comply with, and have very serious negative consequences. These negative consequences disproportionately harm farmers and ranchers and worry their lenders.

Visiting with farmers and stockmen today—livestock producers—one had better stand back. They are upset, they are frustrated, they are angry, they are concerned, and they are worried.

All across farm country, we are suffering from a severe drought—which is a real emergency, historic in scope and damage, particularly for our livestock industry. Congress should respond. At the same time, they are facing a farm bill that is in limbo, regulations that defy any commonsense cost-benefit yardstick, and no farmer or their lender can plan in this environment. In farm country, there is no certainty.

But just to split the shingle, now we have proposed changes to the current estate tax—the infamous death tax—all based on a select few in Washington deciding who is wealthy, what is a fair share people should pay in a tax and how they should pay that tax, playing again with the politics of envy and class warfare. I think we ought to quit this business. The classic example is that under current law, the Federal estate tax is set at 35 percent on estates over $5 million.

If nothing is changed, on January 1, 2013—or if Senators vote for a particular version of the two tax bills we are going to be considering in just about 1½ hours—if nothing is changed, the estate tax exemption will drop from $5 million to $1 million and the estate tax rate will jump from 35 percent to 55 percent.

If we do not act to extend the current death tax structure—I would like to eliminate it; I would like to repeal it but at least extend it—the Joint Committee on Taxation reports that over 10 years, the number of small businesses subject to the death tax will increase from about 1,800 folks to 23,700, and the number of farming estates subject to the death tax would increase from about 900 farmers and ranchers to 25,200. That is more than 20 times additional farming estates that would be hit with this massive death tax hike, a 2,000-percent increase.

It is not just farmers and ranchers who would be affected. Nine times more small businesses would be hit with this massive death tax—a 900-percent increase. Twelve times more taxable estates would be hit—a 1,200-percent increase. While I support permanently repealing the death tax, if we cannot achieve that goal, how we structure this tax in particular has immediate real-world implications for folks in Kansas and across the country.

The looming 2013 change to the estate tax law would be a huge disservice to agriculture because it is a land-based, capital-intensive industry with few options for paying estate taxes when they come due.

The current state of our economy, coupled with the uncertain nature of estate tax liabilities, makes it tremendously difficult for family-owned farms and ranches to make any sound business decisions. They are on the sidelines of our economy. They are not on the economic playing field. Again, there is no certainty.

Obviously, raising the estate tax burden will strike a blow to farm and ranch operations trying to transition from one generation to the next. A $1 million exemption sounds like a lot. To some people in this Chamber—and obviously to some people within this administration—at $1 million a person is rich, they are wealthy, with no consideration as to what the personal situation is for that individual, but somebody just determining what a fair share is and then taking from that individual and redistributing to those whom they think deserve it.

But a $1 million exemption is not high enough to protect a typical farm or ranch able to support a family. When coupled with a top rate of 55 percent, that is going to be especially difficult, if not impossible, for farms and ranches and businesses to pass on their wherewithal to the next generation.

Yet our Nation's estate tax policy is in direct conflict with the desire to preserve and protect our Nation's family-owned farms and ranches. Individuals, family partnerships, and family corporations own 98 percent of our Nation's 2 million farms and ranches. When estate taxes on an agriculture business exceed cash or other liquid assets, many surviving family partners will be forced to sell land, buildings or equipment needed to keep their businesses operating.

With 85 percent of farm and ranch assets illiquid, producers have few options when it comes to generating cash to pay the estate tax. Recent increases in agricultural land values—on average, 25 percent from 2010 to 2011—have greatly expanded the number of farms and ranches that now top the estate tax exemption. How on Earth can farmers, ranchers, and small businesses even plan for this?

In order to keep farm or ranch businesses operating after the death of the owner, families must plan for the estate tax. But under the majority party bill we will vote on shortly, many more farmers and ranchers will face increased filing, paperwork, and other hassles in planning for succession, not to mention lawyers, CPAs, and estate planners. In fact, if we don't extend the current estate tax, estates required to file paperwork with the IRS rise from about 8,600 to 107,500. That is a lot of time and cost that could be avoided.

The planning costs associated with this tax are not only a drain on business resources but also take money away from the day-to-day operations and investing in the business. Even with planning, uncertain tax law combined with changing land values and family situations make it impossible to guarantee that an estate plan will protect the family farm or ranch. This not only can cripple a farm or ranch operation, but it hurts all throughout our rural communities, up and down Main Street, every business that agriculture supports.

The death tax is one of the worst offenders in bringing real complexity to the Tax Code, and I believe it is one of the most distortive provisions in our system.

Some believe and will point out that the estate tax is an instrument of social justice; that it is designed to limit wealth accumulation and to spread that wealth around, something I think that is contrary to what this country is all about.

Why do you work? You work hard to make a difference, and you work hard because you enjoy the work and hopefully you get paid for it—and, hopefully you get paid for it enough that you can at least have enough wherewithal so your kids and their kids can continue that kind of endeavor if they so choose. But some people say we want to spread that wealth around.

Even if someone holds what I consider a socialistic view—a tough word; it is a pejorative, I know, but I think that applies here—the estate tax, which distorts no end of economic decisions, isn't the most efficient method to redistribute wealth. If you are a wealth redistributor, if you will, in this body, clearly taxpayers facing the death tax respond to the tax by cutting back on investments, consuming more of the capital and other assets that could be passed on to build businesses.

So the disincentives the death tax creates in the end lead to lower growth, fewer jobs, and less savings. How do we redistribute that? There is nothing to redistribute. In a troubled economy, this forced outcome does not make sense.

Being able to plan for the future is critical. The current uncertainty leads to the repeated provisions of wills and trusts, which burdens taxpayers and advisers alike. I don't care what farm organization I am talking to, what commodity group, what small business group, wherever I go in my State of Kansas—and I think it is the same in regard to other States that Members are privileged to represent—over and over, I have been asked again what Congress will do with these provisions: What should a rancher do? How can they pass farms on to their children?

I have even been asked, for planning purposes—I am not making this up—if this is a good year to die. That is astounding, if not outrageous. It may be a good year to die because this egregious change is going nowhere.

These two bills we are considering in just a few moments are not going anywhere. We will vote in a little while, but they are both subject to a point of order—not having originated in the House, they will be blue-slipped. That is a fancy word, a parliamentary word, saying they are going nowhere because bills on taxes have to originate in the House. Talk about a real income redistribution—a nothing burger. That is what we are considering. But it is indicative of what is being considered in this Chamber and indicative of what we have to take care of in true tax reform.

Folks in Kansas should not have to make such important decisions on a tax law that is changing all the time. We need to repeal or permanently reset the death tax. If this tax cannot be repealed, it needs to be set in stone—hopefully, not a gravestone—and at a rate and in a manner that provides certainty.

While it is important to permanently eliminate this very punitive tax, until this can be accomplished, Congress should at least extend the current $5 million exemption, indexing it to reflect land values and continuing the spousal transfer and maintaining the top 35-percent tax rate.

We pay taxes all of our lives. It just doesn't make sense to be taxed again when we die.

I suggest the absence of a quorum, although I note that my colleague from Illinois is perhaps ready to speak. I will be happy to yield back any time I have.

The PRESIDING OFFICER (UDALL of New Mexico). The Senator from Illinois.

Mr. DURBIN. Mr. President, in a short time we are going to vote on a tax measure that gives the Senate a very clear choice, and here is the choice: At the end of this year, a whole battery of tax cuts that were enacted into law years ago will expire, on December 31. The question is, What is going to happen next? If we do nothing, a very good thing will happen but also a very bad thing will happen. The good thing is that if the taxes go up on virtually all Americans for 10 years, we will reduce our deficit by $5 trillion—more than any group has been able to suggest or come up with a plan to achieve in any of the meetings in which we have been involved. That is $5 trillion in deficit reduction. It is an amazing reduction. There is another side to the ledger. On the other side of the ledger it says: If we start taxing families now while this economy is in recovery, it is going to slow down the recovery. Well, that is natural. People have less money to spend, and many working families living paycheck to paycheck will face a new hardship they don't have today. They reduced their spending, the economy contracts, and we see this recession hang on with high unemployment and businesses failing.

So it really is a very Faustian choice, a difficult choice—reduce the deficit dramatically, on one hand, by letting all the tax cuts expire but risk going into a deeper recession and maybe repeating what happened a few years ago, which devastated our economy.

The President said: Let's try to strike the right balance. When all of the tax cuts expire on December 31, let's focus on restoring the tax cuts for that portion of American families and workers who need a helping hand to continue. But let's not go all the way. Let's not restore the tax cuts for those in the highest income categories.

So the President says: We can have both. If we follow my plan, we will reduce the budget deficit because we don't give tax cuts to the wealthiest, and we will still help working families, and we will keep the economy moving forward.

He tries to strike that balance. The balance he strikes is that everyone will get a tax cut on the first $250,000 of income, even millionaires, but not beyond that.

The Republicans have a different approach. They will offer an amendment—extend all the tax cuts for everyone to the highest levels of income, well beyond $250,000, not just to the 98 percent of the Americans who make $250,000 or less but 100 percent, everybody. Well, their approach, by extending those tax cuts, will mean no deficit reduction. In fact, their approach would add about $900 billion to the deficit compared to the President's approach. So they are really basically throwing a bucket of red ink on this conversation and saying: We are prepared to add $900 billion to the deficit so that the top 2 percent of wage earners can get a tax break.

That isn't all. The Republican approach, which will be offered by Senator HATCH, the ranking Republican on the Senate Finance Committee, goes a step further. I don't understand this part of it. He wants to extend the tax cuts to the highest income categories, but then he very carefully excises or eliminates some of the basic tax breaks working families use.

Let me be specific. The Hatch-McConnell bill does not extend the earned-income tax credit, child tax credit provisions, and as a result here is what happens: The Hatch provision, which protects the wealthiest in America by saving their tax cut, would increase the tax on 11 million working families in America who currently are able to deduct the college tuition expenses for their kids. So while the wealthiest in America will get a break all the way through with the Hatch-McConnell Republican approach, 11 million American families will find their tax bills going up if they have kids in college.

What kind of message is that? Here the students are struggling to get through school, families are incurring debt, and we create a tax benefit to help those families get through, but the Republicans say: No, we are going to raise the taxes on 11 million working families.

That is not all. They also raise the taxes on 6 million other families, working families with three or more children, by $800 each on a change they refused to make on the earned-income tax credit and then turn around—and I think this is one of the worst—and increase the taxes on families with children. The child tax credit currently in the law allows a break for families with kids, a helping hand, because kids can be expensive. This is part of the Tax Code that helps these families.

So about 25 million American families will see their taxes go up with the Hatch-McConnell Republican tax approach that protects those at the highest level of income categories. I don't think that is sensible.

I have spent a lot of time in the last couple of years talking about this deficit. It is serious. I guess I come from

the Democratic side of the spectrum, the left side of the spectrum. That is what my values reflect, and that is what my voting record reflects. But I will say this: This Democratic Senator understands that deficits are for real. We cannot continue to borrow 40 cents of every dollar we spend, even for the programs I love, let alone the programs I am not so crazy about. So we have to reduce spending, but we can't balance the budget with millions of Americans out of work. We need to get this economy growing, moving forward, and creating jobs.

People who are working and paying taxes make this a strong country and start to solve some of our deficit problems just by virtue of the fact that they are working, paying their taxes, and raising their families. So when it comes to these tax cuts, let me say that I am passionate about making certain working families get the break they need.

Pew Trust did a survey last year. Here is what they asked working families across America: If you had a family emergency and you needed $2,000 in 30 days, could you get it? Could you come up with $2,000 if there was a major car repair or a pretty routine trip to the hospital or to a doctor's office? That can run to $2,000 in a hurry if you have a broken arm. Consider the possibilities. So they asked all the working families how many of them could come up with $2,000 in 30 days. The answer was half of the working families. That means the other half can't. It tells us how close to the edge many people are living.

That is why the President's proposal—the Democratic proposal here—that gives the tax cuts and tax breaks to the working families makes a difference. Ninety-eight percent of Americans will benefit from the President's approach; 2 percent will pay more. I think 2 percent will pay their fair share.

The Republican approach means, for a person making $1 million in a year—and just some quick math: that is $20,000 a week in income—it would give them a $250,000 annual tax break. Come on. At this moment in time, when we are dealing with the deficit and calling on Congress for more spending cuts and saying we have to get it together as a nation, $250,000 a year in additional tax cuts for millionaires? I don't get it. I don't begrudge them their wealth. This country is based on successful people who have led us in business and so many other endeavors. But I also think those people, when you talk to them, are darned appreciative to live in this country and willing to help it move forward.

Then they make the argument that, well, wait a minute, if we raise taxes on people making $1 million a year, we are going to hit a lot of the ''business creators.'' Well, we looked at that. Ninety-seven percent of small business owners are exempt if we draw the line at $250,000 of income. I will concede that there are professional corporations and S corps, investment fund managers, some accountants, some lawyers, and some doctors who may be job creators. I don't doubt that. But are we really asking a great sacrifice from someone making $1 million a year not to get a tax break to the full extent they did before?

I think what we understand is that if we are going to help the middle-class and working families in America and if we are going to move the economy forward, we need a sensible tax policy.

I happen to be of the school that maybe not all the Democrats agree with. On the Simpson-Bowles Commission, I was the one who said that the only way to deficit reduction is to put everything on the table, including the programs that I think are critically important for America's future.

Medicare makes a difference in the lives of 40 million-plus Americans, and I want it to be there. I know it is going to run out of money in 11 years. Think about that. If we don't do a thing here and if we get caught in political gridlock, the Medicare Program that 40 million-plus Americans depend on is going to run out of money. What excuse are we going to come up with? There is no excuse. We need to sit down, look at this program, make sure that works, and make sure it is affordable for seniors. We have to do it sooner rather than later.

We hear so much about Social Security. Let's get the facts out. For at least the next 22 years, Social Security is going to make every promised payment to every retiree in America, with a cost-of-living adjustment, no questions asked. We can't say that about many, if any, Federal programs. But in the 23rd year, we will be in trouble. We will have a dropoff in revenue in the Social Security trust fund, and the payments would have to be cut about 30 percent.

If you are wealthy in retirement—and some people are—your Social Security check is like a little extra dividend, but for some people, it really determines whether they are going to get by for another month, and a 30-percent cut is unacceptable.

We need to look at Social Security. It doesn't add a penny to the deficit, but the Social Security trust fund needs to be stronger longer. We need a bipartisan approach to this. We did it 50 years ago, and we can do it now. We need to sit down and make sure it works. We shouldn't decide that this is out of bounds. That is something we need to consider.

It won't be voted on today, neither Medicare nor Social Security. We are just dealing with the tax side of this conversation. I happen to believe all of these things need to be discussed. When it comes to taxes, we are pretty basic on that. I want to make sure working families have a tax code that helps them.

Think about this for a second. Last week we had a bill on the floor of the Senate, and here is what it said. Currently the Tax Code creates incentives and rewards American businesses that want to ship jobs overseas. American businesses that want to outsource and ship jobs overseas, the Tax Code says, we will give you a break. They will pay less taxes if they send jobs away. That makes no sense at all. Why would we reward the export of American jobs? Why would we provide for the deductibility of moving expenses and other expenses related to moving their business out of America and hiring people in another country?

So last week Senator DEBBIE STABENOW of Michigan and Senator SHERROD BROWN of Ohio came to the Senate floor and said: Let's eliminate the tax incentive to move jobs overseas, and let's turn it around. Let's create a tax incentive for businesses that want to bring jobs back to America. Sounds right to me, doesn't it, that we are creating jobs in this country and discouraging them from going overseas? In the end, we had all the Democrats voting for it and only 4 out of the 47 Republicans voting for it. That is not enough to break the Republican filibuster.

When we talk about a tax code, I not only want to help working families, I want to provide an incentive and reward for those good, home-based American corporations that are trying to keep good-paying jobs right here in the United States of America. Honest to goodness, if we want to walk into a store, pick up a product, flip it over, and see ''Made in the U.S.A,'' we better wake up.

Currently what is going on is unacceptable. This notion on the Republican side of the aisle that we shouldn't get in the way of business when they want to make their decisions, I may not argue with that premise, but I don't think we ought to incentivize it, subsidize it, provide something in the Tax Code to encourage it, particularly when it costs American jobs. But last week, only 4—4—of the 47 Republicans would join us in that effort, so we came up short. This week, we have to get it right when it comes to our Tax Code in the future and tax cuts for the families across America.

One of the things that has worried me greatly as I consider the challenges facing families is their inability to provide for their kids the way they want to. I think we all know the expenses of raising children. We all know what families face when the kids are off to college and we know some of the challenges they face after college. We have come up with an approach which I think is sensible: a child tax credit for the young kids; a deduction of college education expenses for those who made it to that level of education; and then part of what some call derisively ObamaCare, which says that families can keep their kids on their own family health insurance until those young men and women reach the age of 26. That makes sense. How many young people coming out of college today

struggle to find a job and, if they find one, struggle to find a job with health care benefits?

I can tell my colleagues that many times I would call my daughter or son after they got out of college and ask them about health insurance, and my daughter used to say, Dad, I don't need that now. I will get it later. I feel fine. Well, she never knew and I didn't know what tomorrow would bring.

So if we are going to give peace of mind to families, let's make sure we think along the spectrum, along the continuum. Why would the Republican proposal today want to raise taxes on families with children, raise taxes on some 15 million families across America, including those with kids? If they can find room for a tax break for the wealthiest, shouldn't they be able to include those families with kids? They may not be the wealthiest, but they are, in many cases, the neediest, and they are, in many cases, the most important for our future. Yet the Republican approach—the Hatch approach—is going to raise taxes on middle-income families with children. That is something we should never allow to occur.

Let me say, this should be a simple vote for everyone in the Senate, across the political spectrum. We ought to agree on two things. First, we need to cut taxes for middle-income and working families. Second, we should be responsible stewards of the Federal budget and not leave a mountain of debt for our kids. Giving tax breaks to the wealthiest people and adding $900 billion to our national debt is not responsible.

Let's take this vote and show the American people we stand with them and their values. We stand for cutting middle-class taxes and putting our debt on a sustainable path to recovery.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. 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. REID. Mr. President, I now ask unanimous consent that at 4 p.m. the cloture motion with respect to the motion to proceed to S. 3412 be withdrawn; the Senate adopt the motion to proceed to S. 3412, a bill extending the 2001, 2003, and 2009 tax cuts for 98 percent of Americans and 90 percent of all small businesses; that the only amendment in order to the bill be a substitute amendment offered by Senators MCCONNELL and HATCH, which is identical to the text of S. 3413; that the amendment not be divisible; that the time until 4 p.m. be equally divided between the two leaders or their designees prior to a vote on the McConnell-Hatch amendment; that upon disposition of the McConnell-Hatch amendment, the Senate proceed to vote on passage of the bill, as amended, if amended; that there be no motions, points of order, or amendments in order to the amendment or the bill; that there be 2 minutes equally divided between the votes; finally, that when the Senate receives a companion bill from the House providing for the extension of tax cuts, as designated by the majority leader, it be in order for the majority leader to proceed to its immediate consideration; strike all after the enacting clause and insert the text of S. 3412 as passed by the Senate in lieu thereof; that the House bill, as amended, be read a third time, a statutory pay-go statement be read, if needed, and the bill, as amended, be passed with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Mr. President, reserving the right to object, I ask unanimous consent that the request be modified to strike the last paragraph and, further, that it also be in order for a second amendment, the text of which will be at the desk and is the President's small business tax hike; further, that it be considered under the same terms of my amendment, and that after the vote on that amendment the Senate proceed to a vote on the McConnell-Hatch amendment as the original request provided for.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, reserving the right to object, the President's bill is the one that is before this body that I asked unanimous consent on. We have a Statement of Administration Policy. It is the President's bill. So I respectfully object to my friend's suggested modifications.

The PRESIDING OFFICER. Objection is heard to the modification.

Is there objection to the original request by the majority leader?

Mr. REID. Mr. President, my friend is objecting to the last paragraph in my request. He has asked consent to add a third provision. I have objected to the third provision. He has objected to the last paragraph. I would be willing to renew my consent minus the last paragraph which begins ''finally'' and ends with the word ''debate.''

The PRESIDING OFFICER. Is there objection to the new unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, the vote will occur at 4 o'clock today on these two amendments. I appreciate very much the Republican leader allowing us to arrive at the point where we are. I would tell everyone that the time until 4 o'clock is evenly divided, approximately an hour for each side.

I ask unanimous consent that if there are quorum calls between now and 4 o'clock the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, 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. COATS. 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 Indiana is recognized.

Mr. COATS. Mr. President, I wish to talk about two things here briefly and also yield to my colleague for some remarks. First of all, while it is beyond our jurisdiction here, and perhaps it is a little bit out of line for me to talk about this, I am urging the Congress, specifically in this case the House of Representatives, to follow this body in passing the farm bill.

I do so for a number of reasons. Even though I had some problems with the farm bill, and I fully understand the issue, there are those who believe those policies that directly affect agriculture are being subordinated to a bill which incorporates about 80 percent of that bill for Federal food assistance. These are nutrition issues which, of course, are related to agriculture.

By the same token, it is a Federal program that is significantly different than what the farm bill is designed to accomplish. So about 20 percent of that bill affects the farmers in our area, the other 80 percent goes to a Federal welfare type of program for providing food stamps and other nutrition assistance.

I am hoping that the House, particularly in light of the fact we are suffering a significant drought, probably the worst drought since 1950 according to the weather records, and getting worse all the time—the temperatures have been in the low hundreds all across the Midwest, the bread basket of America, where we produce most of our grain and feedstock.

The cornfields and soybean fields and other pastures are burning up with blazing sun in the hundreds of degrees every day and no water falling from the sky. This drought is seriously impacting my State, but also a number of Midwestern States and especially the States that produce the bulk of our agricultural products. This affects not only needed crops to provide feedstock, but also that support our ethanol program and a number of other programs. It is a dire situation.

I am hoping the House can resolve its issues and move forward. There are a number of provisions in this farm bill that provide relief to farmers and ranchers suffering from this drought. Those are expired. So it is important that we pass this bill, that we get it passed by both Houses of Congress and into conference, resolved and signed by the President.

I am urging my colleagues in the House, where I once served, to help with this by moving forward on this farm bill.

The other point I want to make is that we are about to face—we just

learned from our leadership, we are about to enter into a short amount of debate before we vote on a motion to address taxes. This also directly affects our agriculture community and we will explain why. But I wish to yield to my colleague here from Mississippi for some comments in this regard.

Mr. WICKER. I appreciate what my friend said about the drought. Much of my State at the last minute escaped it, but I happened to be in the State of Missouri in the past few days and saw the terrible drought conditions there.

I cannot think of a worse time, with our farm community being devastated by this drought, to talk about a huge tax increase on our agriculture community, particularly in the form of the estate tax. I just learned a remarkable thing. I would ask my colleagues if this is the state of the bill we will now be voting on at 4 this afternoon.

The result of this legislation would be to take the estate tax back up to 55 percent on all of the value of an estate over $1 million. This would be a devastating tax increase. I honestly do not believe the American people understand that this is the effect of the legislation our friends on the majority side have brought forward. But if this bill is passed the way it is currently configured, that would be the result. We would go back to the old law, 55-percent tax on all, the value of these southern and midwestern farms, of any small business across the country, would go up to 55 percent over values of $1 million. It is an unthinkable result. I frankly would not be surprised if the phones across the street in our offices are ringing off the wall at this result.

I ask my friend from South Dakota if I have misunderstood the effect of this legislation.

Mr. THUNE. Mr. President, if I might respond to my colleagues from Mississippi and from Indiana, the Senator from Mississippi is absolutely right. The proposal we will vote on as presented by the Democrats today would allow the death tax exemption to go back to $1 million, that is the pre-2001 level, and apply a 55-percent tax rate on top of that.

To give you an example of how that might work in a State such as mine, I represent South Dakota. The average size farm in my State is a little under 1,400 acres.

And if you look at the average value per acre of land and multiply it by the size of the average farm, you are talking about an average farm of between $2 million and $2.5 million in value. You could be talking about—and this is average, and we have a lot of farms that will be impacted more significantly than this. But you will be subjecting about $1.5 million of that farm's value to a 55-percent tax rate; and 84 percent of the value of farm assets, according to USDA, is in real estate. They are land rich but cash poor.

What happens? When the IRS comes calling after somebody passes away and says: Your farm is worth this amount, we are going to assess a 55-percent tax, they will say: We cannot pay that. We have it in land but not cash. So they have to sell land, assets, and equipment to pay the IRS. Here we are trying to promote the intergenerational transfer of farms and ranches as part of the tradition and backbone of our economy, and this is the absolute opposite of what we ought to be encouraging. We want policies that encourage the situation that family farms and ranches stay in the family.

Having a confiscatory tax like this that would apply a 55-percent tax to assets above $1 million will have a crushing impact on farms and ranches in my State and, I submit, to other States.

Mr. WICKER. If the Senator will yield for a moment, this has also the same effect on mom-and-pops, family businesses that may have been in a family for generations. We are going to impose a 55-percent confiscatory tax on them.

I am just speechless that this bill has now gotten to the point where it brings us back to the earlier punitive estate tax rates.

Mr. THUNE. If I might say to my colleague from Mississippi and to the Senator from Indiana, to put this into perspective, the proposal in the Democratic bill, which would take the exemption back down to $1 million and raise the top rate to 55 percent, would apply to 24 times the numbers of farms and ranches as does current law. In other words, it increases by 24 times the number of family farms and ranches that would be impacted by the estate tax relative to where we are under current law.

As the Senator from Mississippi pointed out, lots of mom-and-pop businesses—13 times the number of small businesses—would now be subject to the death tax as is the case with current law. So if we look at the impact of this, certainly on farm and ranch country—and I see that Senator MORAN is here, who represents a lot of farmers and ranchers very much like those in my State of South Dakota—this is profoundly impactful. It would have a very negative impact on farm and ranch country—and I also argue, as the Senator from Mississippi pointed out—and on a lot of mom-and-pop small businesses.

Mr. COATS. I thank my colleagues for joining in on this. They made the point that I think outlines the fact that many of us are stunned with the proposal being brought forward for a vote today to proceed on this bill, which if passed, will put a 55-percent tax, when one dies, on all the work and all the profits and all of the investments they have made throughout their lifetime, which they have paid taxes on over and over and over. The government cannot ever seem to get enough. The Senate Democrats are now proposing to raise the death tax from 35 percent, the current level, to 55 percent.

Let me personalize this for a moment. We have some very close friends who, throughout generations, have been handing the farm down from one generation to another. They have suffered through the hard times, the droughts, the hail storms, the tornadoes, and they have also benefited from the good times when the rains have come and the soil was good and the yield was good. Yet right now they are suffering in a way they have not in more than a half century with this drought that is unrelenting all across the Midwest in this country. It takes in almost the entire Farm Belt of the Midwest and Upper Midwest, where most of our grain and products are grown.

At a time like this, to bring forth a piece of legislation that basically says not only are you being nailed by the weather—and we, obviously, cannot do anything about that except provide some basic form of financial relief to get through this particular time; and that is what I talked about earlier—but we are going to nail you with a tax that, when you die, will basically prevent you from passing on your business or your farm to the next generation.

As I said, to personalize it, we have some dear friends—more than one couple. I have also talked to people throughout Indiana where the pride in holding their ground as part of their extended family, covering more than one and two generations, and the work they have put in, in order to preserve that hand-down to their children and to their grandchildren now goes up in flames because when they die, if their farm is valued at more than $1 million, they are imposed with a 55-percent tax on the value of everything over $1 million.

People say they are millionaires. No, they are not. They are sitting on property that might be valued at that, but they might be losing money. For sure, this year, they are not going to make any money because they have had to plow their corn under because it hasn't gotten the rain and moisture it needs and it will not grow. We don't yet know the extent of this disaster, but to preserve that within the families and hope for better years to come, that will not happen because, as the Senator from South Dakota said, they are going to have to value their land—the IRS will value their land at a price that the only way they can pay for that is to sell their assets.

Why in the world would they do that at a time of economic turmoil and cause a drift back essentially into recession? This country is not in good economic shape. Compared to Europe, we are in better shape, but if you look at the numbers, they are not trending the right way. Why at a time like this would you walk onto the floor of the United States Senate and put up a bill that will raise taxes on people who are already suffering from 35 percent to 55 percent? How high does it have to go? How many taxes have to be imposed on

the American people before they say that is enough? They are saying: Clean up your spending process in Washington so we don't have to pay so much in taxes to cover all you are doing there.

My colleagues would like to continue to respond. I want to turn to my colleague

Mr. WICKER. If I may, I will make one point. I know my friend from Kansas also wants to join in.

This could only hurt job creation among small businesspeople and small farmers. I can't imagine why they want to do this. We have had 42 months of unemployment at over 8 percent, the longest period in peacetime and modern history. To put this tax on farms that create jobs and small businesses that create jobs, which is where most of our new jobs come from, is just unthinkable. I cannot imagine that it would do anything, if it were signed into law as the President wants to do, other than make that 8.2 percent unemployment rate go even higher.

Mr. COATS. Mr. President, I now turn to my colleague from Kansas, and I tell him about one of the families very close to us—my wife grew up with her lifetime friend, who married a farm boy from Kansas. They ran a farm near Norton, KS. We speak with them regularly. Even though we are city people, we have learned from them the sacrifice that goes into maintaining a farm, the suffering that occurs from the whims of the weather, the prices of the crops. We see them struggle and struggle, and this obviously will not be a good year. But this is a farm that has been passed down to the third generation now. They own a lot of land.

As the Senator knows, Kansas has a lot of land. And they didn't get the rainfall we did. I know this is a situation that ends the dream that has been passed down from generation to generation because on the death of the current owners of the farm, the tax on that would force them to sell their land.

Mr. MORAN. Mr. President, I thank the Senator from Indiana for yielding. Yesterday, in Norton, KS, the temperature was 118. I read the story where they just watched the thermometer go up degree by degree, and it has now been more than a month in which the temperatures in our State have exceeded 100 degrees. Certainly, it has been more than a month in which we have had little or no rainfall in most places across the State.

The drought is real, and it puts people in a different mood. There is always optimism on a farm, optimism on a ranch. My small business men and women in Kansas are optimistic that when they get up and go to work every day, it will be a better day at the end of the day, and tomorrow will be better than today, and next month will be better than this month. I can tell you, with the weather pattern we have had in the Midwest this summer the optimism begins to disappear.

Today we have come to learn just one more thing that is now going to be oppressive to farmers and ranchers and small business men and women in Kansas and across the country. We started this year with a discussion about something the Department of Labor did—the proposed rules to prohibit restricting a young person from working on a family farm. We have had a series of regulations from the EPA and others that make it so difficult for a small businessperson or a farmer to succeed. Now we learn today the proposal that we are going to revert back to days gone by in which a $1 million estate will be subject to a marginal tax rate of 55 percent.

It has been a series of things in the last year from this administration and this Congress that send a message to farmers and ranchers in Kansas and small business men and women in our State and across the country that their value, their work ethic, their efforts will not be rewarded. Not only will they not be rewarded, but we will discourage them. We will not reward the work they do each day, the work they are optimistic about.

The Senator from Indiana is so correct in this sense. Every farmer and rancher I know, at the end of the day their goal is to see that they have done work that day not only to feed, clothe, and provide energy to the world, but to see that they have a farming operation, a ranching operation that is of the nature that it can be passed on to the next generation of Kansas farmers and ranchers. It is the sense of satisfaction that comes in a farmer's life when the son and daughter who follow them have that ability.

Nothing is easy in agriculture, and there is not a thing any day that is easy on a farm or ranch across the country. With our weather patterns and soil conditions, it takes a lot of drive, effort, stamina, and discipline to survive. Much of the day is spent trying to survive. Here we see a series of things as we arrive today and discover that we want to increase the tax on those people who work hard every day and whose goal it is to tell their sons and daughters: I have a farm or ranch that can be yours someday, and you can take over where I left off.

Why is that important? That is traditionally and historically how farming has occurred. It is passed down from great-grandparents to grandparents to parents to children to grandchildren, and there is pride and satisfaction that comes from that.

We are here today to make certain the Federal Government doesn't create one more obstacle toward that goal of making certain the next generation of Kansans has the opportunity to work to earn a living and feed the world on their own family farm or ranch. It is so surprising to me that there would be anyone who believes these individuals, these business operations, farms or small businesses, ought to be singled out and treated in a way that discourages them from accomplishing that American dream of passing that farm and ranch on to their kids and grandkids. I hope our colleagues see the light and understand how important this is in rural America. And not only is it important in rural America, but what happens in our part of the country determines whether we have the ability to provide food and fiber for the country and the globe.

Mr. COATS. Mr. President, whether it is the family my wife grew up with and knew or the one in Posey County, IN, who brought their neighbors together for a meeting a few months ago or whether it is a family or business owner or small businesses across the State of Indiana that I have talked to repeatedly, they basically say: I resent being called rich by the President, who said they need to pay more in taxes. We have been working our tails off for generations, and we have been paying our taxes faithfully for the profits we made—the years we have made profits. Yet we are being classified as some type of an elite group that is not paying their fair share. We can look back and we read statistics, such as 47 percent of Americans aren't paying any income taxes, while we are out there creating jobs, building a business—with sometimes good years, sometimes bad years—over a lifetime. There is value added to that business, but that value is in machines, it is in buildings and land, in terms of farmers. Yet that gets evaluated when we die at a level which means we can't pass it on. We can't afford to pass it on to other generations and we have to sell it. The Federal Government, having taxed us all our life on the profits we have made—the income taxes, the Social Security contributions, the Medicare contributions, the sales taxes, the personal property taxes, the car taxes, the boat taxes, if one has a boat, the excise taxes, the liquor taxes, the beer tax, the sales tax and on and on and on it goes—it is not just the income tax we are being taxed on. There is not a tax that government doesn't like or want to impose on the American people.

Why would anyone, of either party, at a time of economic distress—when the United States is the only country struggling to stay ahead and perhaps lead the world back into economic growth, at a time when we are seeing signs of a potential double-dip recession facing us, and the news in the last few days has been dramatically bad—want to bring a bill to the floor of the Senate that says you are not paying enough if you own a small business or if you own a farm. You are not paying enough, so we think 55 percent is a fair rate—55 percent if you die, after you have paid taxes all your life to a Federal Government which is bloated and duplicative.

The bureaucracy here is out of control. Congress hasn't lived up to its responsibility to take any kind of sensible fiscal measures that will get us back on track in terms of battling our

budget and not spending more than we take in. Throughout all the efforts that have taken place throughout 2011, and some in 2012, we still have not come up with a program, with a budget arrangement which will put us on the path to fiscal health. Yet what is the response from the other side? The response is: Let's impose another tax. So at 4 o'clock today, Members are going to come down and vote in terms of whether they want to impose a 55-percent death tax on people who are already being taxed to death.

I will yield the floor, but then I am sure my colleagues will want to ask for their own recognition.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I think we have about one-half hour left; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. THUNE. Mr. President, I ask unanimous consent that I be able to enter into a colloquy with my colleagues for the remainder of that time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, I first want to thank the Senator from Indiana for his very astute observations about the impact of these taxes on hard-working men and women in this country. I would say to my colleague from North Dakota, who is now here, and the Senator from Kansas—both of whom represent very rural States—this is not an issue that is inconsequential. A lot of people think people who have $1 million in assets are rich. But as I said earlier, in most farm and ranch operations, 80 percent of the value of that is in real estate. So they may be land rich but cash poor.

When we talk about imposing a tax of this size on hard-working farmers and ranchers in this country, we are getting at the very heart, as the Senator from Kansas pointed out, of their ability to transfer that farm or ranch operation to the next generation. That is what is at stake.

The Senator from North Dakota is here, and the farmland in North Dakota is similar to what we have in South Dakota, except they have energy. They found oil in a few places in North Dakota, which drives those land values up even higher. We would like to see some of that in South Dakota, but in either of the Dakotas or in Kansas we have seen land values going up in the past few years and it takes a bigger operation to make it work to survive in modern agriculture. So the size of these operations, in many cases, exceeds by multiples the million-dollar exemption that would be allowed by the Democratic proposal, and everything above that, as was said, would be taxed at 55 percent, which would be absolutely disastrous for American agriculture today, and that is on top of the other taxes.

This proposal also raises taxes on about 1 million small businesses that employ about 25 percent of the American workforce. It raises taxes on capital gains and dividends and then it puts this death tax back into place with the million-dollar exemption. As I said earlier, if we look at the number of people who would be subject to and covered by the death tax today, this proposal would increase those people subject to whom the death tax would apply by 24 times—a 2,400-percent increase in the number of people who would be subject to the death tax, according to the Joint Committee on Taxation. That is the group that studies these issues and that looks at the impact of tax policy. According to the Joint Committee on Taxation, 24 times more farmers and ranchers would be subject to the death tax than are subject to it today and 13 times more small businesses. That is the scale of the proposal the Democrats have put forward.

I would say to my colleague from North Dakota, my neighbor, that I assume, as he talks to farmers and ranchers in his State, he gets the same sort of feedback I do in visiting with people in South Dakota; that is, they are very concerned about what would be a huge tax increase, so to speak, when someone passes on and tries to pass that operation on to the next generation.

Mr. HOEVEN. That is exactly right. I am pleased to be here with my esteemed colleague from South Dakota as well as my esteemed colleague from Kansas. I wish to commend Senator COATS from Indiana for the strong and important points he made here as part of this discussion on the Senate floor. This vote we will have on the Tax Code and its impact on farming and small businesses across this country is certainly important.

But Senator COATS also made a very important point a few minutes ago; that is, we already have farmers and ranchers—our producers—in a situation where they face difficult times because of the drought. So I join him in calling on our House colleagues to act on the farm bill. I think it is very important we pass a farm bill, as we have in the Senate.

I had an opportunity to work on that farm bill with Senator THUNE of South Dakota and others. We passed a good package in the Senate. The House Ag Committee has passed a good farm package as well. We need that to pass the House, get it into conference, and get a farm bill done for our producers. I think that is incredibly important always because good farm policy benefits every American. We have the highest quality, lowest cost food supply in the world thanks to our farmers and ranchers. Particularly now, with our farmers throughout the country looking at this drought, it is very important they know we have a sound farm program in place for now and for the future.

As regards this vote in the Senate today, whether it is the good Senator from Indiana, from Kansas, from South Dakota or others, this is incredibly important. We are looking at a bill that is essentially a plan put forward by President Obama that will raise income taxes, that will raise taxes on capital gains, and that will raise the estate tax.

I was on the floor this morning, as others have been, talking about the impact that those tax increases will have on small business when we have 8.2 percent unemployment. We have had 8 percent unemployment for more than 40 straight months. To a large degree, people are focused on the increase in the income tax and its impact on small business, but the impact from the estate tax—from the death tax—is a big deal, and people need to understand what the ramifications are if that estate tax is increased.

We understand it very well in our States because of the case we are making right here. Look at how this affects our farmers and ranchers. We are talking about going from a situation where when a farmer or rancher, looking to pass on that farm or ranch right now, is taxed, from an estate tax standpoint, on the amount above $5 million and then it is set at a 35-percent rate. But the plan being put forward today—and being put forward essentially by the President and by the other side of the aisle—would change that to go back to anything over $1 million would be subject to the estate tax and then would be taxed at a 55-percent rate. So just do the math; right?

That is the point the good Senators from South Dakota and Kansas and others have been making. It doesn't work. It just doesn't work. In other words, that family can't borrow enough money to pay off the estate tax and keep the farm because they can't afford to pay back that level of debt. The farming operation will not sustain it. The ranching operation will not sustain it. You can't borrow that much money to try to keep the farm in the family because you can't afford to pay the debt. As a business enterprise, it can't service the debt. So what happens? The only alternative is to sell the farm.

So we have farmers who have been farming for generations—their father, their grandfather, grandmother, mother, relatives all the way back—and now their kids are farming with them. Their children are involved in that farming enterprise, and they want to continue farming, but that is not going to happen because they are not going to be able to afford the estate tax. So this is exactly what we are talking about when we talk about how raising taxes will have a detrimental impact on our economy.

We have talked about this in terms of small business and we have talked about it in terms of the income tax and the ramifications on capital gains tax, but I think this demonstrates how clearly it truly has an impact across this country on all small businesses because I think all of us, from our States and from many other States, know

these farm families. We know this is not just a job or a vocation, it is a way of life, and it is a way of life these families have been counting on.

I wish to make one further point before I turn the floor over to my esteemed colleague; that is, these farm families or any other small business, when we look at the estate tax, we have to keep in mind they are passing assets, but throughout their entire life they have been paying taxes. They have been paying income tax, sales tax, property tax. They have been paying taxes all the way along. So it is not as if they are just handing this stuff on to the next generation without paying taxes because they are not paying a death tax. They have been paying taxes on it all their lives and not just one or two taxes but multiple taxes. So this property has been taxed their entire life. They have worked their entire lives to pay those taxes and would now face a death tax that would force them to sell their business. That is not right.

You know what. It is not right if it is a farm or a ranch or, frankly, any other kind of small business in this country because this country is about small business. That is the backbone of our economy. It is the economy of this country, and that is exactly what we are dealing with.

That is why we put forward an option—and we encourage our colleagues to support this option—that will continue the current tax rates, that will not raise tax rates, and then we will work on extending those current tax rates for 1 year while we engage in progrowth tax reform. We close loopholes and we get more revenue from economic growth, from a growing, more vibrant economy that puts people back to work rather than raising taxes.

With that, I yield the floor for my esteemed colleague from South Dakota.

Mr. THUNE. I appreciate the remarks of my colleague from North Dakota who understands this issue very well, representing a State that is composed largely of family farms and ranches and small businesses. It is similar to my State of South Dakota, similar to Senator MORAN's State of Kansas. We share not only a lot of commonalities in terms of how we make our living but also in the kind of hardworking people who are the backbone, as my colleague said, of our country.

There is a work ethic among people involved in working the land, people who are involved in agriculture, that we hope gets rewarded. One of the ways that gets rewarded is when someone works very hard all their life—and that is very true in agriculture. There are very few jobs in agriculture that are easy. It is a hard way to make a living. The men and women who are involved in production agriculture have, in my view, among the best work ethic in the country, and we want to see that hard work rewarded. One of the ways we hope that gets rewarded is when it comes time to pass that operation on, to allow that operation to be handed off to the next generation so they, too, can benefit from that hard work and build that enterprise and grow the family farm in a way that is good for our economy generally and certainly good for the economy in places such as North Dakota, South Dakota, and Kansas.

That is why a proposal such as this is so devastating, because you are subjecting 24 times more farms and ranches in this country to the death tax than are currently exposed to it under current law.

This is a dramatic increase in the number of folks who would be impacted by the death tax—obviously a significant increase in the amount people are going to be forced to pay when the time comes. I think at a time when we are facing unemployment now for 41 consecutive months over 8 percent, some 23 million Americans either unemployed or underemployed, and some Americans have been unemployed for a longer period of time, one thing we don't need in the middle of this kind of economy is a big fat tax increase.

That is what the Democratic proposal does—not just on the estate tax but also the marginal income tax rates going up on small businesses on January 1. There will be almost 1 million businesses impacted by higher rates, which employ 25 percent of the workforce in this country, as well as increasing taxes on investment, on capital gains, and dividends.

A big fat tax increase in the middle of a very fragile economy is the wrong prescription. I would hope, as the Senator from North Dakota suggested, that our colleagues on both sides will support the alternative we will put forward which will extend the rates for all Americans, so not any American is faced with higher taxes come January 1 of this year. I think it would be devastating for our economy to do that. Certainly it would be devastating to the family farms and ranches in places such as the Midwest.

I know my colleague from Kansas understands very well, because he represents the same kind of people we do in the Dakotas. They are hard working. All they want to know is that they have an opportunity to be able to benefit from that hard work and hopefully pass it on to the next generation when the time comes.

Mr. MORAN. Mr. President, I am pleased the Senator from North Dakota joined us, because I think he made a very valid point, something I should have explained better. It is not just the fear of having to pay more taxes, but it is the reality you don't have the income to pay the tax, therefore requiring the sale of the assets—the sale of the farm machinery and equipment, the sale of the land, the sale of the cattle.

While no one wants to pay more taxes, in this case it is even more onerous in that you have value to assets. You have some wealth in the land and the equipment and the cattle, but never the sufficient income to pay the tax. Therefore, the sale of those assets is required to pay the tax man; and, therefore, you don't have those assets I was talking about earlier to pass on to your children and grandchildren.

This is not just about: I already pay enough taxes; I don't want to pay any more; I can't afford any more. This is the reality: I don't have the ability at all to come up with the income, unless, as the Senator from North Dakota says, I go to the bank and borrow the money. But then I don't have the cashflow to repay the loan, and therefore I sell the property.

This comes at a time when many Kansans—farmers and others—would complain about how business and agriculture keep getting bigger and bigger. The reality is we would love to have those farming operations, that family-sized farming scale that is so important to the cultural and economic vitality of communities across Kansas and across America. But because we have laws such as the estate tax, we sell those assets to bigger entities that can better afford it, and we reduce the number of family farms that most of us believe are so important to who we are as Americans, and certainly so important to the economy and the cultural nature of rural America.

I have heard the discussion here on the floor today about the farm bill. I know my colleagues, the Senator from South Dakota and the Senator from North Dakota, have encouraged passage of a farm bill by the entire Congress. But this farm bill, let me remind you, is a reduction in farm bill spending only on the side of production agriculture, of family farms across Kansas—a reduction in the amount of money available under the farm bill of $23 billion.

Farmers in Kansas tell me they are willing to take their so-called hit to help reduce the country's fiscal condition. We are willing to take the $23 billion out of farm programs, but don't do other things to us that eliminate or reduce our ability to earn a living.

So here comes Congress, a few weeks after we pass a farm bill reducing the amount of money available for farm programs by $23 billion, saying, Oh, let's do something else damaging to agriculture, to farmers and ranchers. Let's impose an estate tax in which the threshold is $1 million and the marginal rate is 55 percent.

So it goes back, contrary to what farmers say, which is: We will take our hit; we will contribute to getting this country's fiscal house back in order, but let us have the opportunity under a free enterprise system to succeed. And now we have one more handicap, one more hurdle to accomplishing that.

I was on the Senate floor yesterday talking about this issue and particularly talking about a tax system. We need dramatic reform in our Tax Code. The idea that we would be extending the current tax law for the foreseeable future, this Congress, this President

ought to be serious about scrapping the Tax Code and starting over with something much different. I spoke yesterday in favor of the fair tax. But regardless of what the conclusion is, we ought to have a simpler, fairer, more understandable Tax Code. We ought to have the circumstance in which most taxpayers don't have to seek professional advice to figure out what it is they owe or to spend their whole time as a farmer or rancher or a business person trying to figure out, What do I do today that will have a positive or negative consequence upon the tax bill at the end of the year?

We Americans spend a huge amount of time and a significant amount of money in which we pay professionals to advise us how to avoid paying taxes. We desperately need a whole new Tax Code that is fairer, simpler, much more straightforward and understandable, so that we spend our time growing the economy, as compared to spending our time trying to figure out how to manipulate the Tax Code and, in the process, lose our individual liberties and freedoms because we are all about trying to make certain that we comply with the Tax Code as compared to determining what is in the best interest of us as citizens, us as individuals, as family members, and us as business owners.

So while it is important that we point out the onerous nature of the estate tax and what is about to happen here in a vote in about an hour, we ought to remind ourselves that there is a much more important goal than this Congress and this President have been willing to address, and that is, scrap this Code and get something that makes sense to the American people that is understandable, affordable, and that pays the necessary amounts to fund those programs required for us to be a successful country.

I yield for the Senator from South Dakota.

Mr. THUNE. I thank the Senator from Kansas. I too look forward to working with him on fundamental tax reform, because that is what we need to do to get the economy turning around. I think you will see tremendous economic growth. I think you would see our economy unleashed if we would reform our Tax Code in a way that broadens the tax base and lowers the rates. The Senator from Kansas talked about the fair tax—certainly another proposal out there that many people support. But in any event, we do need a fundamental tax reform. And it would be nice if, when we do that, we do away with the death tax completely.

With that being said, what is being proposed here today, as we have all pointed out, is something that in many cases in places such as Kansas and South Dakota—and our colleague, the Senator from Wyoming, Senator BARRASSO, is now here, who represents a rural State, a State where you have a lot of folks with big expanses of land. There are many people in agriculture who are land rich and cash poor.

The Senator from Kansas pointed out that when you have an operation that exceeds that $1 million threshold that is being proposed in the Democratic tax plan and then everything above that in terms of the value of your assets is taxed at that top marginal rate of 55 percent, then you are in many cases having to sell pieces of your operation in order to pay the IRS—or, worse yet, going to the bank to borrow money, in which case you may not be able to repay it.

But this creates all kinds of problems for people who are involved in the day-to-day production of agriculture when it comes to keeping that operation in the family.

I appreciate the observations of the Senator from Kansas and his insights based upon his experience and the people he represents. I too look forward to the day when we are debating fundamental tax reform. But until that comes, we shouldn't be raising taxes. We shouldn't be raising taxes in this type of an economy where we have as many people unemployed as we do, we have sluggish economic growth. And we certainly shouldn't be punishing family farmers and ranchers and small business people with what is a punitive death tax proposal coming out of the Democrats in the plan we are about to vote on at 4:00.

I yield to my colleague from Wyoming who is here, again, representing a State much like mine and much like the Senator from Kansas, who has a lot of people who would be impacted by this Draconian tax.

Mr. BARRASSO. Mr. President, to follow up on that, clearly in the great State of Wyoming there are lots of farmers and lots of ranchers. It is our heritage, it is our economy, it is our future.

Many people—we talked a little bit about that—to keep these operations going actually have a job in town so they can make enough money to help pay the mortgage and keep things going. But the price of land continues to go up, and on paper they have quite a bit of resources. So to think that we are in the next hour going to vote on a proposal by the Democrats to bring back the death tax is something that should be a surprise to all Americans. It is to farmers and ranchers and all small business owners.

I think of the movie theater owner in Casper I have known for over 20 years. I have operated on him, fixed his ankle when he broke it. He started with one small theater. He was the guy taking tickets, making the popcorn. Other people near him helped out and made it all work. He expanded to a second movie theater, and then again and again. He built the buildings, he built the business. He made it work. He was there early. He was there late. He was there with a broom.

But when I hear the President say, If you have a business, you didn't build it; someone else did, I ask the President to come to Casper, WY, to meet the business owners there, meet the guy who has a dry cleaners, meet the florist, meet the person with the car wash, meet this owner of the movie theaters, and then go around the community and the outskirts of the area to take a look at rural Wyoming, at the ranchers and farmers, and hear their stories, hear of their life's work, hear about what they have put together.

To see a proposal on the floor of the Senate that says, We don't care what you did, how hard you worked, what the impact is going to be on leaving this legacy to your family, we are going to bring back the death tax and we are coming for you. It is something that people back home, in all of rural America—and I would think in many places around the country—would find shocking, astonishing, and very sad as a commentary of what role Washington and government is trying to impose upon their lives, to take these levels of taxation to much higher levels where the death tax hits at $1 million and 55 percent at that level, from where we are now, where it is at $5 million and indexed for inflation because we see inflation and a maximum of 35 percent. I am astonished that people would actually consider voting for that. But yet that is what the Senate majority leader has been proposing, and that is what we are going to vote on within the next hour.

It is interesting, I was driving through the Hot Springs County, Thermopolis, WY, area a couple of years ago talking to a farmer. He said, You know, I could fight the weather or I could fight the government, but I couldn't fight both. And he got out of it.

A lot of families haven't gotten out, and they continue. Now, once again, the heavy hand of government comes with this crushing blow in wanting to raise this sort of tax on families all across the country, on people who have built their own businesses. In spite of what the President may say, these are the people who made this happen.

After the President's comments last week, I was in Thermopolis for a class reunion over the weekend. They have all the different classes come together for a big picnic and cookout in the park. My mother-in-law is a member of a class that graduated quite a few years ago. It was her reunion as well. We were talking about the family bakery that she had worked at as a little girl. The family actually lived above the bakery. They got their food from the bakery because they ate what didn't get sold. They worked every day. She talked about her father working so very early in the morning, through the day. For lunch she walked home from school to be able to eat at the bakery. That is a family who built that business.

We talked about it, and I asked, Well, who else worked there? She started to run through the names of the people in the family who built and contributed to this bakery business called the Wigwam in Thermopolis, WY. She talked

about Sonny who had worked there. There are a lot of businesses and a lot of farms and a lot of ranches—I see my friend and colleague from Kansas here—where there was a Sonny who worked on that farm or on that ranch.

Who else worked there in the bakery? Well, Shorty worked there too. I think every community has a Shorty who worked in a business that made something happen.

I said: Who else? She said: Sandy. I know there is a Sandy in every community. Yet the President thinks they didn't do anything.

Who else? Smokey. We have all these different names of people in the family who made this business, helped to put it together, and built it. Those are the people who made this business. Those are the people the President seems to have forgotten or never met in the first place. Those are the people who built the businesses of this country. It wasn't somebody else; it was them. It was parents who got up early and worked hard. Their kids worked there too. Everyone in the family participated. Everyone contributed. Every community in this country has someone like that.

Now to see the Democrats coming forth with a proposal that says: You may have built a business—well, they may not believe that family actually built the business—and we just want to tax you more when the person who really put the sweat equity into it dies. The family maybe ends up having to sell, as we heard from the Senators from Kansas, North Dakota, and South Dakota. Why? A lot of it is because this institution can't control the spending, so they are always looking for new ways to tax other people.

The problem is not that we are taxed too little; it is that we spend too much in this institution. Congress spends too much, and the President always seems to find another way to spend more money. That is what we see, ways to continue to find money and then spend, borrow, and grow government bigger and bigger. That is not what built this country. That is not what made this country great. It was the families with ranches, farms, and small businesses all across this country who put in hard work, dedication, and commitment to getting up early in the morning, working all day long and well into the evening.

I ask my friend and colleague from Kansas, I am sure the Senator can think of families and picture those families where folks actually got up before sunrise and worked through the end of the day and after the Sun went down to building something, to make something of themselves and their family, and to contribute to the community. Now we see government with its heavy hand coming to say: The death tax is here. We want to raise the death tax, and we are coming for you.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Kansas.

Mr. MORAN. Mr. President, I certainly thank the Senator from Wyoming for his comments. Those of us who had the privilege of growing up in small town America know those names the Senator from Wyoming indicated. It is one of the advantages of that small town life.

Every day we see those families who own a business or have a farm or ranch. We know who they are. We know who works there, we know what jobs are created by that business or that farm, and we have the understanding of how important that is in the community if there is going to be jobs in our town. It is that small businessperson who gets up early, works late, does whatever is necessary to make sure they are a success in that business. Sometimes they are successful and sometimes they are not. Every day they fight the fight to make certain they put food on their family's table, they have the ability to save for their children's education, for that better life, and save for their own retirement.

Again, just like we talked about the farmers and ranchers who are willing to forgo things from Washington, DC, to help contribute to getting our debt under control, get our fiscal house back in order, make America what we know it can be—they are willing to forgo those things that Washington seems to want to give us. All they ask is, Please don't put more burdens on us. Don't make it more difficult for us to succeed.

We see the example today where the Democrats' tax proposal creates a huge burden on a huge sector of this economy and on people who are so important to us as to whether we are going to have jobs created and the opportunity for every American to pursue the American dream.

Mr. BARRASSO. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. BOXER. I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I would ask unanimous consent that I be recognized for 2 minutes followed by Senator CARDIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I think it is important to simplify what is going on with these two proposals, the Republican proposal and the Democratic proposal. So I am going to attempt to do that. We have two packages of tax cuts. The Democratic package gives everyone a tax break on their income tax for the first $250,000 of income. So everybody gets that tax break. The main difference is that under the Republican plan, they give more to incomes above $250,000, where we say everybody gets a tax break up to $250,000, and after that we go back to the tax rates of Bill Clinton when we created 23 million jobs, balanced the budget, and created a surplus.

Now, in order to do this, the Republicans don't do some of the things we do for the middle class, which is an extension of the tuition tax credit and a generous child tax credit. So that is the difference. Their package costs $50 billion more. If we figure we do this over 10 years, we can do the math. That comes to $500 billion. But let's just take it to 1 year. The $50 billion cost of their package, if we didn't go that way and supported the Democratic package, we could use that to either reduce the deficit or to soften the sequester.

We have people running all over television saying we are ruining the country with this sequestration. The Republicans came up and supported that idea of automatic spending cuts. We can take the $50 billion if the upper income would pay their fair share and cut the automatic spending cuts in half.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I thank, first of all, my colleague from California, Senator BOXER. I happened to be on the Senate floor and listened to my Republican colleagues as they were talking about the estate tax. I think we have to clarify what this legislation is all about that we will be voting on in a few minutes. It is an effort to fully protect about 98 percent of Americans from the uncertainty as to whether their income tax will go up on January 1. That is what this bill is about. There are a lot of other problems we have, including the fiscal cliff we have been talking about.

I understand the concerns we have with the estate tax. We have a problem with the physician reimbursement under Medicare. We have problems with the sequestration orders and the impact it would have on all of our agencies whether it is national security or the domestic budget. We have concerns about extending tax provisions for the energy sector of our economy. We have the uncertainty of whether we will extend the unemployment insurance additional benefits. All of those are legitimate concerns.

I hope the Republicans and Democrats will come together to deal with the deficit. That is what we should do. I can tell everyone I have been one of those Senators meeting with Republicans, meeting with my Democratic colleagues, and that is what we want to do. We want to give predictability to the American people about a credible plan to deal with our deficit.

I was proud to be one of the Democrats on the Budget Committee in the Senate. The Presiding Officer helped to say let's use the Simpson-Bowles model to try to get a bipartisan agreement on a budget document much earlier this year so we could come forward with a credible plan to deal with the deficit. We are now just a few weeks away when Congress is likely to go out of session for the November elections. We have heard in the House they are talking about leaving the third week of

September. So what we are trying to do—and this is a pretty simple bill—is to say for the overwhelming majority, 98 percent, let's at least give the certainty to the people of our country so they know on January 1 their tax rates will not go up. Why do we want to do that? Because predictability gives confidence. Confidence allows people and consumers to buy and helps to grow our economy. That is why we do it.

Sure, it is frustrating we can't deal with everything right now. We want to deal with everything, but we are not going to be able to come to that political agreement. Can't we at least come to the agreement to protect the vast majority of the taxpayers of this country?

The bill we will be voting on very shortly says we would not let the personal income tax rates go up for those whose incomes are up to $250,000. As Senator BOXER pointed out, every income-tax payer gets the advantage of it. If you make $1 million, you get the lower tax rates on the first $250,000. That way everyone gets the advantage.

We also protect the refundable child tax credit because we know American families depend upon that refundable tax credit. I want to thank the majority leader for putting this into the bill. That is part of a family's planning process to know whether they can buy consumer goods. We included that in the legislation that we will have a chance to vote on. We included the American opportunity tax credit. The Presiding Officer is very involved in that. That is to help families afford college education.

I was at a university meeting over the weekend and looked at the debt that our college graduates are inheriting as they go through college. Well, we extend in this bill the help we give to working families to be able to afford a college education for their children, which helps to build this great Nation. It helps to make us more competitive. We have also included in the legislation the small business expenses because we want to give predictability to small businesses to go out and buy capital assets so they can turn around and help our economy grow.

So I just wanted to point out some pretty simple choices. Do we believe we should give the predictability that I think everybody agrees on? Why can't we keep the bill simple and get it done? My Republican colleagues want to find some way to be able to vote no to help the overwhelming majority of the people in this country.

I will say this again. If you make $1 million, you are going to get $6,000 of relief under this bill. Isn't that enough? Then let's come together and hopefully use the remainder of this year or early next year to get a credible plan and get our deficit under control. Let's give confidence to the American people so we will not face that fiscal cliff, and we will get our job done. The purpose of this is to create jobs. We need to create more jobs in our country.

I wish to share with my colleagues this photograph that was taken. I will ask my colleagues where they think this photograph took place, with many people sewing and manufacturing clothing. We can see the U.S. flag there. The next question is, When do my colleagues think this photograph was taken? The 1920s? The 1930s? I remember growing up in Baltimore and seeing all of the different clothing manufacturers located in my city. So perhaps this is a historic photograph. It is not. It was just recently taken in Westminster, MD. It is the English American Tailoring Company, with 380 jobs, producing the finest suits in the world.

I show this photograph to demonstrate that we can succeed in manufacturing in America. In the last 28 months, we have seen an increase of 500,000 jobs in manufacturing in America. That is the largest growth since 1995 in our country. We have to fight for the jobs and keep our jobs here in America.

I had a chance to talk with English American Tailoring Company union employees. They are happy not because they are happy to have a job—everyone is happy to have a job—they know they have a good job in a company that cares about them, and they take pride in what they are making. Make it in America. In Maryland, in the United States, we have a company that makes the best custom suits in the world because they are American made and because they have the best technology and the best quality of any company in the world.

Let me tell my colleagues something else that might surprise them. They had a 15-percent increase in sales this year. They added an additional 50 employees this year. They are now making plans to break ground on a training facility in Westminster, MD. They have confidence in their ability to produce the right product for America and to create the jobs and keep the jobs here.

We have done this over and over in America. I know my colleagues have taken the floor to talk about the auto manufacturing industry, with the best sales in 5 years. Chrysler's sales have increased 34 percent; General Motors is up 12 percent; Ford is up 5 percent; 10,000 new jobs at Ford Motor Company; 4,000 coming from Mexico back to the United States. Make it in America. Our U.S. auto manufacturers are making it in America. We can create more jobs if we just create the right climate.

We need to help small business. I agree that is where most of the job growth will take place. That is where most of the new innovation comes from. So why don't we take up sensible legislation that the majority leader talked about that would reward small companies that are creating more jobs by giving tax credits? I am also proud of a provision in that bill to increase surety bonds for small companies so they can compete. That is what we should be doing.

We need trade policies. I want to give another bit of good news. I see Senator NELSON is on the floor, and he was instrumental in the citrus trust fund. But we have the wool trust fund and the cotton trust fund also approved by the Senate Finance Committee. Why is that important for this contract we have here? This company, English American Tailoring, makes quality suits, but they have to import the wool because the wool is not available in America. Here is what happens. The tariff today on that wool coming into America is higher than the finished suit, if it was imported into America, which encourages manufacturing outside of America. That makes absolutely no sense at all. That is why we have a wool trust fund—to correct this inverted tariff so that we can make it competitive to manufacture in America. That is why we have it. I am proud that by a unanimous vote, we are recommending that from the Senate Finance Committee. I hope we can find the cooperation on this floor to get that done.

I also want to make sure that the citrus industry in Florida is taken care of, so we take care of the citrus trust fund and the cotton trust fund. Shirts are manufactured today—my friend from New Jersey, Senator MENENDEZ, helped on this, and Senator SCHUMER helped a great deal with the wool trust fund. We make cotton shirts in New Jersey. We can make those shirts because we can manufacture more efficiently than other countries, but we can't have an inverted tariff. We can't afford to make it more expensive to manufacture than import. That is what that is about. These are commonsense policies.

We need tax policies that make sense. Senator STABENOW has been working hard on the Bring Jobs Home Act so that we actually reward companies that bring their jobs back to America and we don't allow taxpayers to foot the bill for those who want to take their jobs overseas.

The bottom line is that we can make it in America. We can make it in America. We are doing that in Maryland, and we are doing it throughout the country. We need sensible policies.

We also need the confidence of consumers about the take-home pay they are going to have in order to be able to buy the suits manufactured by English American Tailoring or other companies in our community or to buy a car manufactured here in America. They want to do that, but they need the confidence.

So don't complicate the bill we are going to be voting on in 1 hour. Don't make it that difficult. It is a pretty simple bill. It says whether we are going to fully protect 98 percent of Americans from seeing their tax rates go up and their paychecks go down on January 1 and help every American, regardless of their income, with the first $250,000 of taxable income.

I hope we will then make a commitment, Democrats and Republicans, to

put aside our partisan differences and listen to each other and come up with a credible plan that answers not just the issues—the only issue raised by my Republican colleagues, which is the estate tax—but also answers the questions of our physicians for Medicare and answers the problems of our people who depend upon government, the sequestration orders. Let's get it together and get all of that done, but let's not let the traditional partisan differences stop us from protecting 98 percent of Americans, so that companies such as English American Tailoring can continue to expand and create more jobs here in America to help our economy grow because people will be willing to buy the suits, knowing there is some confidence in the Tax Code that allows them to plan for their future.

I urge my colleagues to support the efforts we are going to vote on in a few moments.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

VIOLENCE AGAINST WOMEN ACT

Mr. LEAHY. Mr. President, I know we are soon going to be voting on other matters, and I see the distinguished senior Senator from Florida, who wishes to speak, so I will not take long. However, there is one area I don't want people to forget about; that is, the Violence Against Women Act.

Eight months ago Senator CRAPO and I joined together to introduce the Leahy-Crapo Violence Against Women Reauthorization Act of 2011. We decided to put victims first, not politics first. So we set aside any partisan differences the two of us might have. We did this so we could tell the Senate that even though we come from entirely different political philosophies, we are united on the need to protect victims. At a time when we hear people say this body is deeply divided, an overwhelming majority of the Senate, Republicans and Democrats alike, joined us in that effort, and we passed this commonsense legislation with a remarkable 68 votes. That is a rare feat in the Senate today and it sent a clear message—stopping domestic and sexual violence. There are some who say we couldn't get 51 votes to say the Sun rises in the east. We got 68 votes to protect victims. We sent a clear message that stopping domestic violence is a priority and we will stand together to protect all victims from these devastating crimes.

Most of us here hoped the House Republicans would follow our demonstration of bipartisanship. We gave them an excellent bill and a chance to quickly take it up and pass it. Instead, unfortunately, they put politics first. They drafted a new bill, and they are within their right to do that, but here is what they did. They intentionally stripped out protections for some of the most vulnerable victims, including immigrants, LGBT victims, and Native women. They took out the key provisions to make campuses and public housing safer. They rejected the input of law enforcement and victims' services professionals who tell us these protections are desperately needed to save lives. In other words, they said: If you have two victims who are subjected to the same kind of abuse, we might protect this one, but by law we won't protect this one. I can tell my colleagues that there is no one in law enforcement in this country, no matter what their political background, who wants to be put in that position. They believe that a victim is a victim is a victim, and they want to protect all of them.

In fact, it was so obvious that the acts of some of these House Republicans were too much even for some of their own party. Nearly two dozen House Republicans, including the chair of the crime victims caucus, stood up and voted against this restrictive House bill.

We can talk about numbers and all of those things, but I wish those who came up with this restrictive House bill could have been with me last Thursday to hear from Laura Dunn, a courageous survivor of campus sexual assault who told us of her own horrendous experience. She said: I come before you to tell you about this because I want you to include the Senate provisions the House stripped out. She made an impassioned plea for that and for Congress to do all it can to protect all students on campus from the kind of unspeakable violence she encountered—the kind of violence that I pray my daughter and my granddaughters will never have to face.

More than 200 survivors of campus violence at 176 colleges and universities came forward publicly and joined her in an open letter to Congress calling for the immediate passage of this critical legislation. I ask unanimous consent that a copy of the letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL TASK FORCE TO END SEXUAL AND DOMESTIC VIOLENCE AGAINST WOMEN,

Washington, DC, July 20, 2012.

U.S. SENATE,
Washington, DC.
HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR SENATOR/REPRESENTATIVE: We, the undersigned survivors of violence committed on college and university campuses nationwide and the families of those who did not survive this violence, call upon every Member of Congress to pass the Violence Against Women Act (VAWA) Reauthorization before the end of September. Furthermore, the final VAWA must contain comprehensive campus provisions including the Campus SaVE Act and the Campus Safety Act.

Each of us has been dramatically affected by at least one of the four crimes that have become a silent epidemic on college campuses: stalking, sexual assault, dating violence and/or domestic violence. We have been the victims of this violence. We have family members who have been killed on campus as part of the commission of these crimes. We have family members who might not have been killed if their colleges and universities had been fully and responsibly addressing stalking, sexual assault, and dating violence through well structured campus systems for prevention, intervention, victim support and perpetrator accountability.

And we are not alone: 13.1% of college women report having been stalked during the school year; one in five college women report having been sexually assaulted; 70% of all victims of intimate partner violence in the US experience the first incidents of abuse before they reach the age of 25.

There are more than 4,700 colleges and universities in the United States with a total enrollment of over 20 million students. This is a population in crisis that cannot and will not be ignored.

The Violence Against Women Act (VAWA), enacted in 1994, recognized the insidious and pervasive nature of domestic violence, dating violence, sexual assault, and stalking. In every reauthorization of the Act, Congress has worked carefully to craft improved, enhanced, and accountable programs and services, as well as coordinated community responses, with the goal of providing comprehensive, effective and cost saving responses to these crimes. VAWA's reauthorization must build upon its successes and continue progress towards ending the violence. VAWA must reach all victims and perpetrators of domestic violence, dating violence, sexual assault and stalking in every community and on every college campus.

The Grants to Reduce Violent Crimes Against Women on Campus program helps institutions of higher education adopt a comprehensive response to domestic violence, dating violence, sexual assault and stalking. First authorized in 1999, this very small program has had a dramatic impact on the institutions of higher education lucky enough to get one of these grants (approximately 20–22 colleges per year). It is essential to reauthorize the Campus Grants Program in VAWA, yet it is unacceptable for this to continue to be the only piece of VAWA addressing the overwhelming need.

The Campus Sexual Violence Elimination (SaVE) Act, introduced independently in both chambers and passed as part of S. 1925 in the Senate-passed VAWA, is a crucial step forward. It will address sexual violence, dating violence, and stalking at institutions of higher education and increase awareness and prevention of these acts of violence by requiring transparency of information, systemic, campus-wide policies and procedures to address these crimes, prevention programs, and assistance for victims.

The Campus Safety Act, introduced independently in both chambers and passed as part of H.R. 4970 in the House-passed VAWA, is also essential. It will establish a National Center for Campus Public Safety that will provide a centralized, government operated entity to promote proactive approaches to campus safety through the development of best practices, research, and training opportunities.

Both the House and the Senate passed bills earlier this year to reauthorize VAWA. It is clear that the vast majority of Congress supports a reauthorization of the Violence Against Women Act with key improvements. But as we watch the clock ticking on the 112th Congress, we are painfully aware of the devastating blow to the young people in our colleges and universities that will occur if Congress fails to pass a final VAWA.

We are the voices of the unimaginable pain and suffering occurring every day on our college campuses. We are the voices of those young people whose safety continues to be at such great risk. We are the voices of those who are still too unsafe to speak out about the violence they experienced. We are the

voices of those who have tragically died senseless deaths when their lives were just beginning.

We will not wait! Get VAWA done now.

We call upon each and every Senator and Congressperson to prioritize the Reauthorization of the Violence Against Women Act and the safety and well-being of the young people we are all relying on to carry our nation forward. We implore you not to let us or them down.

Mr. LEAHY. Now the House Republican leadership is hiding behind a procedural technicality as an excuse to avoid debate on the Senate bill. That is nonsense. We all know the Speaker of the House could waive the technicality, called a blue slip and allow the House to have an up-or-down vote on the bipartisan Senate bill at any time. He could do it this afternoon.

I have been consistently calling for House action on this legislation since we passed it overwhelmingly 3 months ago. In fact, last month Senator MURKOWSKI and I wrote a bipartisan letter to Speaker BOEHNER. We asked him to allow an up-or-down vote. Last Thursday five House Republicans followed suit. They called on Speaker BOEHNER and Majority Leader CANTOR to take up the Senate-passed bill and resolve the blue slip problem.

The Speaker's hands are not tied in this matter. He has to stop choosing to hold up the bill and instead choose to let these efforts to pass the bill go forward. A New York Times editorial earlier this week entitled ''Delay on Domestic Violence'' put it well:

Mr. Boehner's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their . . . opposition to stronger protections for all victims of abuse.

I ask unanimous consent that both letters and the editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 23, 2012]

DELAY ON DOMESTIC VIOLENCE

With Congress just days away from its August break, House Republicans have to decide which is more important: protecting victims of domestic violence or advancing the harsh antigay and anti-immigrant sentiments of some on their party's far right. At the moment, harshness is winning.

At issue is reauthorizing the Violence Against Women Act, the landmark 1994 law central to the nation's efforts against domestic violence, sexual assault and stalking.

In May, 15 Senate Republicans joined with the chamber's Democratic majority to approve a strong reauthorization bill. Instead of embracing the Senate's good work, House Republicans passed their own regressive version, ignoring President Obama's veto threat. The bill did not include new protections for gay, immigrant, American Indian and student victims contained in the Senate measure. It also rolled back protections for immigrant women, including for undocumented immigrants who report abuse and cooperate with law enforcement.

Negotiations on a final bill are in limbo. Complicating matters, there is a procedural glitch. The Senate bill imposes a fee to pay for special visas that go to immigrant victims of domestic abuse. This runs afoul of the rule that revenue-raising measures must begin in the House. Mr. Boehner's leadership could break the logjam—but that, of course, would also require his Republican colleagues to drop their narrow-minded opposition to stronger protections for all victims of abuse.

Unless something changes, Republicans will bear responsibility for blocking renewal of a popular, lifesaving initiative. This seems an odd way to cultivate moderate voters, especially women, going into the fall campaign.

U.S. SENATE,
Washington, DC, June 12, 2012.

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

DEAR MR. SPEAKER: Saving the lives of victims of domestic violence should be above politics. Yet politics seem to have gotten in the way of House passage of the bipartisan Senate Violence Against Women (VAWA) Reauthorization Act, a bill to strengthen law enforcement's response to domestic violence that cleared the Senate on April 26th with a strong bipartisan vote. In the time since the Senate passed its bill, over 1.5 million Americans have become victims of rape, physical violence, or stalking by an intimate partner. We cannot afford to let another day go by. We urge you to swiftly allow for an up-or-down vote in the House on the Senate's bipartisan VAWA Reauthorization Act.

Since being enacted in 1994, VAWA has developed a long track record of protecting women and reducing the incidence of domestic violence by providing critical support to law enforcement and services for victims. Each previous reauthorization substantially improved the way VAWA addressed the changing needs of domestic violence victims by addressing challenges facing older victims, victims with disabilities, and other underserved groups. The Senate's bipartisan VAWA Reauthorization Act continues this tradition by placing greater emphasis on training for law enforcement and forensic response to sexual assault, and by strengthening protections for all victims regardless of where they live, their race, religion, gender, or sexual orientation. These changes were included at the recommendation of professionals from all over the country who work with victims every day.

We should not let politics pick and choose which victims of abuse to help and which to ignore. However, this fundamental principle is not reflected in the House version of VAWA reauthorization legislation, which disregarded the input from professionals and would eliminate Senate language that ensures universal protection for LGBT victims who currently face obstacles to accessing VAWA's life-saving services, make it more difficult for local law enforcement to help immigrant victims of domestic violence, and fails to match the Senate's effort to address the epidemic of domestic violence on tribal lands.

Although significant progress has been made, domestic violence and sexual assault remain serious challenges. Every day, abusive partners kill three women, and for every victim killed there are nine more who narrowly escape. It would be unacceptable to step away from our commitment to stopping violence and abuse, and from seeking justice for victims, by undermining VAWA's protections.

The delay of the VAWA Reauthorization Act has real consequences for these and future victims, and should not be allowed to continue. VAWA was enacted and reauthorized with broad bipartisan support, and this year's reauthorization is endorsed by over 500 state and local organizations, and 47 attorneys general. We are concerned that unnecessary political and procedural posturing is breaking the bipartisan consensus on an issue that should rise above such considerations, and is creating an unconscionable delay that further threatens victims of violence. We urge you to honor VAWA's bipartisan history and affirm the House's commitment to combating domestic violence by having an up or down vote on the Senate's VAWA Reauthorization Act.

Sincerely,

PATRICK LEAHY,
U.S. Senator.
LISA MURKOWSKI,
U.S. Senator.

U.S. CONGRESS,
Washington, DC, July 19, 2012.

Hon. JOHN BOEHNER,
Office of the Speaker, The Capitol,
Washington, DC.
Hon. ERIC CANTOR,
Office of the Majority Leader, The Capitol,
Washington, DC.

DEAR SPEAKER BOEHNER AND MAJORITY LEADER CANTOR: As strong supporters of a bipartisan approach to the Violence Against Women Act (VAWA) reauthorization, we thank you for your efforts to secure timely House consideration of this issue. We strongly urge you to work diligently with the Senate to solve the blue slip problem as effectively as you did with the Transportation Bill and quickly craft a bicameral compromise on VAWA reauthorization that includes the following provisions:

1. Concurrent jurisdiction for tribal crimes—Because of the significant backlog of crimes occurring on tribal lands, federal courts have limited resources to pursue all but the most serious violations. As a result, most sexual assaults and domestic incidents that occur on native lands go unpunished. Allowing our tribal court systems to prosecute these crimes would help to ensure that justice is served and prevent the spread of domestic violence in native communities.

2. Protections for LGBT populations—Under current law, all victims of domestic violence are entitled to VAWA services. However, in some communities, services remain unavailable to LGBT individuals simply because of their sexual orientation or gender identity. LGBT-inclusive language would simply clarify the law to ensure that all domestic violence victims have access to the support offered by VAWA.

3. Eliminate disincentives for reporting crime among immigrants—The House proposal provides temporary shelter for victims who report domestic crimes, but it maintains the long-term threat of deportation for immigrant victims who come forward. No one should be discouraged from bringing an abuser to the attention of law enforcement. While the Department of Justice confirms that the U-Visa program is not subject to significant fraud, we stand ready to work with concerned Members on improving accountability within the system to ensure that Congress can monitor its effectiveness.

4. Improve safety on college campuses—The Senate requires more transparency of information, more prevention programs, and improved assistance for victims of domestic violence, dating violence, sexual assault, and stalking on college campuses. The House proposal supports a Campus Safety Resource Center that would be able to support colleges and universities with best practices and guidance to address violence on campus better. Both of these provisions are critical improvements to protect students on campus.

We urge you to make VAWA reauthorization a significant priority during the rest of

the 112th Congress and ensure that the aforementioned provisions are included in the final reauthorization bill.

Sincerely,

JUDY BIGGERT,
ILEANA ROS-LEHTINEN,
ROBERT J. DOLD,
TODD R. PLATTS,
DAVID RIVERA.

Mr. LEAHY. Mr. President, victims shouldn't be forced to wait any longer. The problems and barriers facing victims of domestic and sexual violence are too serious for Congress to delay. I think of my home State of Vermont and the very small State that it is, but more than 50 percent of homicides are related to domestic violence—50 percent. That is simply unacceptable. We know how to identify these cases early. We know how to intervene. We know how to stop these needless deaths. The Senate-passed bill includes important new tools for law enforcement in communities all over Vermont and every other State to do just that. But until the House Republican leadership stops playing games, those resources will not reach the people who need them now and lives will be lost.

Enough is enough. Let's stop this fiction of saying we will stand together to protect this victim but not this other victim, as though somebody who has been victimized, somebody who has faced this violence should be treated differently. It is time to put aside the politics. We need to stop picking and choosing which victims of abuse get help and which are ignored. We will not find a single police officer who has gone to a scene of domestic violence or abuse who will tell us: Well, I don't want to catch the person who did this, but the person who did this, we will go after them. No. Police officers want to protect us all. That is what the Leahy-Crapo bill does. This is to protect us all. So I hope the House will take up and vote on the bipartisan Senate bill because our bill protects all victims. Domestic and sexual violence knows no political party. Its victims are Republicans and Democrats and Independents. They are rich and poor. They are gay and straight. They are immigrant and citizen alike. A victim is a victim. Helping these victims, all these victims—whether they are from Vermont, California, Alaska, Iowa, Oregon, Florida, or anywhere else—that has to be our goal because their lives depend upon it.

Mr. President, we live a privileged life in this Senate, just as the House Members do. They are not facing this kind of abuse. But the lives of millions of Americans do face it. Their lives are depending upon us not to play partisan games but to give law enforcement and all the various organizations that help prevent abuse the tools they need. We have done that in the Senate. It is time for the House to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, in the midst of all of this tax debate and the partisan wrangling and the gridlock that has ensued—and today we will have another couple of tax votes, and, again, real progress will be stalled—I would like to offer a bipartisan thought that will lead to a solution. As a matter of fact, I think there are over 50 Senators of the 100-Senator body who agree that deficit reduction can be done, and done in a comprehensive way. I think partisan politics, all mixed up in election-year politics of a Presidential election, is getting in the way, and I think that is what we are going to see being played out this afternoon on the floor of the Senate.

What would that solution be? Well, if our target is that we want to reduce the deficit over a 10-year period by at least $4 trillion—that was clearly where the Simpson-Bowles Commission was going; that was clearly where the Gang of 6, which morphed into 45 of us who last summer stood and had a press conference and talked about $4 trillion-plus in deficit reduction, was going—if that is what our goal is, and as others have spoken out here, if we could get that kind of deficit reduction agreement for a 10-year period, what we would have is a shot of confidence into the economy, and we would see this economic engine start to roar more to life, other than the gradual economic recovery we are seeing—indeed, a recovery of 27 straight months of private sector job growth, but albeit a slow economic recovery.

If over 50 of us were to come together and strike that agreement, indeed, that is what we would have, and the stock market would take off, the bank lending would take off, the credit ratings would go up, and all of the incidental things that would flow from that.

You know what. At the end of the year that is what we are going to have to do, and most every reasonable Senator knows that. That is why there are a number of Senators on this side and that side of the aisle who have spoken the same message.

What is that message?

No. 1, that we have to have some spending cuts, but if we are doing $4 trillion-plus, we cannot do it all with spending cuts. We have to have revenue produced.

How do we get the revenue? What over 50 Senators in this body would agree to is we reform the Tax Code in a comprehensive way by starting to eliminate some of the tax preferences, otherwise known as tax loopholes, tax deductions, tax credits, that have ballooned out of control.

The last time I voted for tax reform I was a young Congressman and President Reagan was President. It was 1986. When we reformed the Tax Code back then, the tax expenditures for a 10-year period were worth about $2 trillion to $3 trillion. Do you know, that has ballooned now to over $14 trillion over a 10-year period, just in tax preferences—that is individual tax preference items for different special interests—which means revenue is not coming in. As a matter of fact, there is more going out in tax preferences than there actually is coming in each year in individual income tax.

Well, if we reform it in the way that a lot of us are talking about, then we take that revenue and we do two things with it: No. 1, we simplify the Tax Code and we lower everybody's tax rates—individual income tax rates, as well as corporate income tax rates—and we take the rest of the revenue and pay down the annual deficit.

Now, that is fairly common sense, and it is fairly simple. Of course, to get in and comprehensively reform the Tax Code is going to be quite a task, and the committee that is designated to make the first cut at it would be the Finance Committee, of which I have the privilege of being a member.

We have heard similar statements by a number of Republican Senators. We will continue to hear statements from other Democrats—such as me—about what I just said. And we will hear that because the commonsense people know that is what it is going to take to get our budgetary house in order.

But we are not there. We are in the middle of a partisan war, all wound up in the crucible of an election year for President, and as a result we are going to have two tax votes today that do not pass.

The Republican version of the tax cut is going to be all of the Bush tax cuts from 2001 and 2003. They stay in effect for all levels of income. Oh, by the way, in their bill, they say to make up for that $405 billion that will not go into the Treasury as a result of the continuation of the Bush tax cuts—in 1 year, $405 billion—we cannot do anything with revenue. So they are going to prohibit what half of the Senate knows ultimately is the solution to this problem. That is one version.

The other version is what is being brought forth by the majority leader, which is, give the tax cuts for everybody, including the top 2 percent. But the top 2 percent—above $250,000 adjusted gross income on a joint return—that tax rate will go up a little over 4 percent just on the income above the $250,000 adjusted gross income, not on the income underneath, for which everybody continues to have the continued tax rate. In that same proposal, 97 percent of the small businesses will not get any kind of tax increase. Likewise, if they are a subchapter S corporation, they will have the same benefits of the tax cut up to that level of $250,000.

We heard comment out here about, oh, we have to keep the exemptions on the estate tax up, which I certainly agree with. Well, in this version the majority leader is going to offer, it has no provisions in it on raising the estate tax.

What would be my preference? I am going to vote for the majority leader's proposal, but my preference is that we would take that tax cut up to the level of adjusted gross income of $1 million

on a joint return, which would mean far less than 1 percent of the people in this country would be affected by a 4-percent increase in that income above $1 million.

That is my preference. That is what I voted on a year ago. But that is not the choice before us today. So I have no choice but to vote as I just indicated. But at the end of the day, this is not going to solve the problem. It is going to be more political posturing all the way up to the November election. Then in a lameduck session we are going to get down to work. We are going to let common sense and bipartisanship operate, and we are going to solve this deficit problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I very much appreciate the cogent remarks, sensible remarks of my colleague from Florida. He has fought long and hard for the middle class in terms of taxes, and I very much appreciate his hard work on this issue. The citizens of Florida should be proud of him.

I rise today, of course, also to talk about the upcoming Senate vote on the middle-class tax cuts.

For weeks, Senate Democrats have been asking our friends on the other side of the aisle to allow this debate on taxes to happen. Leader REID has repeatedly offered to have a simple up-or-down vote on both the Democratic and Republican proposals. Time after time, minority leader MITCH MCCONNELL has declined.

But, fortunately, that has now changed. Senator MCCONNELL has, after weeks of delay, relented and decided he is not going to filibuster our middle-class tax cut bill. That is very good news for the country. The most important thing we can do for the economy right now is to provide certainty to the middle class that their taxes are not going up.

I believe there are two reasons Senator MCCONNELL finally decided to allow this to happen.

First, forcing his entire caucus to filibuster this legislation would have been politically disastrous for them. It would have prevented any debate or amendments on the Democratic tax cut legislation, meaning the Republicans would not have been able to offer their amendments to extend tax cuts for those millionaires and billionaires. In other words, a filibuster would have meant there would have been only a single vote on middle-class tax cuts on the Democratic proposal and that almost all Republicans would then have been on record against them. So it is easy to see why that would have been uncomfortable for them.

Second, I truly believe some of my friends on the other side of the aisle have truly looked at the Democratic proposal and realized that voting for it is the right thing to do. I believe Senator MCCONNELL would have not been able to stop them from voting yes.

Faced with widespread concern in his caucus, I believe Senator MCCONNELL decided an abrupt about face was in his best interest. So the Senate is about to speak. We are going to pass a bill that will ensure taxes do not go up for the 98 percent of Americans who earn less than $250,000 a year. We are going to defeat a proposal that would spend almost $1 trillion providing additional cuts for the richest 2 percent and at the same time allowing tax breaks used by 25 million middle-class families to expire.

Included in that is something very important to me; that is, the $2,500 credit middle-class families get to help defray the cost of tuition. To not allow that to move forward, whether in this bill, the extenders bill or another bill would be very bad policy, hurt the middle class, and hurt the future of America.

We are doing it. I hope everyone will join us in supporting the Democratic bill which has that provision to provide tuition relief, tax relief to help middle-class families defray the cost of tuition.

Once the Democratic proposal passes the Senate, it will be sent to the House. I am sure Speaker BOEHNER does not appreciate the uncomfortable position Senate Democrats and Republicans have put him in. Make no mistake about it, Senator MCCONNELL, to save his caucus from a disastrous vote against the middle-class tax extension, has had to put the Speaker in a box.

The Speaker knows if he puts this bill on the floor, his Members will have trouble voting against it. So they have decided to put out an argument that they should not bring it up because of a blue-slip issue. While it is true that revenue vehicles have to originate in the House, this is a problem that could be easily remedied. In fact, Senator REID tried to do it by unanimous consent earlier today, but unfortunately the minority leader blocked it.

When it comes to blue-slip issues, where there is a will, there is a way. House Republicans have passed two landmark revenue bills this Congress after the Senate passed them—the highway bill and the FAA bill. Senate Republicans have joined Democrats in passing legislation in the Senate this Congress despite potential blue-slip issues, the Violence Against Women Act and the ethanol excise tax credit repeal, for example.

But if House Republicans insist on blocking our middle-class tax cuts and using the blue-slip issue as an excuse, that is a debate we are willing to have. That is a debate we welcome. Because, for once, we have broken the vice that Republicans have had on tax issues for 30 years. They have always conflated tax cuts for the middle class and tax cuts for the very wealthy. But this bill breaks that vice and allows us to support middle-class tax cuts without—without—giving tax cuts to the very wealthiest among us who, A, will not bump up the economy because they do not spend a large proportion of that high income, and, B, could go to deficit reduction.

I know lots of very wealthy people who say: I do not mind paying more taxes if the money would go to deficit reduction. Our bill allows exactly that to happen. So Democrats are going to be happy to bring the argument to the American people and ask them whether they think obscure procedural rules which the Republican Party in the House has ignored time and time again are now reason enough to let over 100 million families face a tax hike of $1,600 a year.

The Senate is about to pass the only tax cut bill that has a chance of becoming law. No one thinks it is a good idea to raise taxes on the middle class. No one. We can disagree about whether the very wealthiest in society should also get a tax break, but we all agree the middle class should get one. So why hold one hostage for the other?

The Senate supports middle-class tax breaks. The President supports middle-class tax breaks. The House supports middle-class tax breaks. Democrats support middle-class tax breaks. Republicans support middle-class tax breaks. Instead of fighting over whether the wealthiest in society should also get a tax break, why do we not pass this now, give real relief to the middle class, and have the other debate later?

Middle-class Americans who do not want to see their taxes go up support what we are doing. The House should act immediately so the President can sign this bill into law.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. How much time remains on each side?

The PRESIDING OFFICER. There is 9 minutes on the majority side.

Mrs. BOXER. How much on the minority side?

The PRESIDING OFFICER. No time remains.

Mrs. BOXER. Mr. President, I yield 2 minutes of our time to Senator HATCH.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I wish to thank my friend from California for her kindness and for her graciousness in allowing me this little bit of time to make final remarks with regard to this bill that Senator MCCONNELL and I have filed.

We are going to be taking two votes on a critical issue in a few moments. Action on the fiscal cliff is long overdue. Before we vote, I would like to make three points. First, it has been suggested that the Hatch-McConnell bill fails to extend the earned-income tax credit and child tax credit provisions. This is utterly false. The Hatch-McConnell bill extends these provisions as they were originally agreed to in 2001, and that agreement actually doubled the child tax credit. Democrats are complaining that our bill does not extend the stimulus provisions that expanded these provisions even further and made them more refundable.

Democrats sold the stimulus bill as being ''timely, temporary, and targeted.'' Now they are holding up tax relief for nearly every income taxpayer unless these stimulus provisions that are mostly spending through the Tax Code are extended yet again.

Second, the Democratic proposal includes a significant increase in the death tax. The number of death tax filers will increase under their bill by 11 times. This is what they are proposing: 98,300 new filers will now have to fill out estate tax forms, get appraisals, deals with the IRS, and get all this done within 9 months of the death of a loved one. That is the equivalent of one entire midsized American city being forced to deal with the death tax every year.

Third, the Democratic bill is a massive tax increase on small business job creators. It would subject 53 percent of all flowthrough business income in the United States to higher taxes. There is a compromise here.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. I ask unanimous consent for an additional 30 seconds, with an equivalent time for the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. There is a compromise here; it is the Hatch-McConnell bill. Our economy needs relief, businesses and families need certainty, and all we are proposing is extending current tax law for 1 more year so we can dedicate that year to do tax reform.

By contrast, the Democratic bill offers nothing but more uncertainty and tax increases on job creators. Let's face it, we are talking about 940,000 small businesses that will be drastically affected by this. Many of those provide jobs in our society and will continue to do so if we do not clobber them with the Democratic approach.

Mr. AKAKA. Mr. President, I rise today in strong support of S. 3412, the Middle Class Tax Cut Act, which would act on President Barack Obama's proposal to restore our economy and control our deficit by immediately extending the current tax rates for American families making less than $250,000 a year and asking our Nation's top 2 percent of income earners to pay their fair share.

As we continue to work to enact policies that move our economy forward, it is important that we protect the middle class from having to pay higher taxes—which will happen if Congress does nothing before January 1, 2013. In Hawaii, this means 500,000 families would pay an average of $1,600 more in taxes in 2013 alone, which they cannot afford. My colleagues and I are working to reduce the national debt; however, at this point in our economic recovery, we cannot allow the vast majority of Americans—the middle class—to shoulder this burden alone. They have always been and remain the backbone of our economy and our country.

Most of us here in the Senate, on both sides of the aisle, as well as our colleagues in the House, can agree that we should maintain the current income tax rates for 98 percent of Americans. With that in mind, my colleagues on the left have been trying to work with the rest of the Senate to get this sensible legislation passed. However, some Members in this Chamber refuse to come together to pass the tax extensions that we all agree on. We need to take action now. Hard-working American families should not have to worry about their taxes increasing as they budget for housing, food, and other necessities for the coming year.

To cut our deficit, we must ask the wealthiest Americans to pay their fair share. That means closing tax loopholes for corporations and not extending the tax cut for millionaires and billionaires. Yet some Members of the Senate continue to oppose this bill in hopes of including an extension of tax breaks for the wealthiest Americans. These tax breaks for the wealthy were originally intended to be temporary measures, enacted during a time when our Nation had substantial annual surpluses. However, we must acknowledge our current economic situation and respond by asking the wealthiest Americans to pay their fair share.

This country was founded on the principles of fairness and responsibility. This bill would help restore those fundamentals to our tax system. I urge my colleagues to consider all of their constituents when voting on this bill and support it for the 98 percent of Americans who need our action today.

The PRESIDING OFFICER. The Senator from California.

Mr. MCCONNELL. Would the Senator yield for a moment? I am going to use my leader time. But I am happy to defer to the Senator from California first.

Mrs. BOXER. Whatever is more convenient for the minority leader. If the minority leader wishes to speak now, I will defer and take my 8 minutes later.

Mr. MCCONNELL. Mr. President, I will let the Senator from California go ahead.

Mrs. BOXER. Thank you, very much. Let me say that this is a very important debate. When we look at the two plans, the Republican tax cut plan versus the Democratic tax cut plan, what we see is one is for the middle class; that is, the Democratic plan. One is for our middle-class families. It includes tuition tax credits, and an enhanced child tax credit. It is very important that we do that.

The other is a giveaway to the millionaires and the billionaires. It is amazing to me that it is not enough for my Republican friends to give everyone a tax break in this Nation of ours up to the first $250,000 of income and then say after that we are going to go to the tax rates of Bill Clinton.

In those years, unlike the Bush years, we created 23 million jobs, and we created surpluses as far as the eye could see. But my Republican friends want to go backward to the Bush years, to the trickle-down years. Here is the problem. They do it on the backs of the middle class.

They claim our plan will hurt small business owners. Let me be clear. Ninety-seven percent of small business owners earn less than $250,0000 a year. So all that talk about job creators is nothing but talk. It is nothing but a smokescreen for the highest earners in America. Here is another problem. The Republican plan adds $930 billion to the deficit over 10 years. It is a problem. In 1 year, the first year, it is a $50 billion add-on to the deficit.

I have heard my Republican colleagues cry about sequestration. They do not want it, even though they agreed to it when we made our deal around the debt ceiling. Let's remember that. They did not want to give an increase to the debt ceiling. They held everybody hostage. We lost our credit rating. Even Ronald Reagan said: Never play with the debt ceiling. They played with it. They played a game with it.

Then, to get out of it, they said: OK. We will sequester if we do not have the debt deal. Now they are crying about sequester. Guess what. If we do the Democratic deal, we save $50 billion. We could cut that sequester in half. But oh, no, they want to do tax breaks for the wealthy few.

This is the deal. Look at this chart. This is Robin Hood in reverse—this is Robin Hood in reverse. The wealthiest among us get back $160,000 a year under the Republican plan. Let me repeat that. The wealthiest taxpayers in America will get back $160,000 a year under the Republican plan while the middle class gets harmed.

They lose $1,100 a year for their tax credits on the tuition tax credit. They lose $800 a year from an enhanced child care tax credit, $500 a year from enhanced earned-income tax credit. So our families lose money, our middle-class families, while the wealthiest among us gets this enormous tax break and the deficit goes up and the debt goes up.

When my colleague Senator HATCH says the Hatch-McConnell compromise is good, it is not a compromise. It is going right back to the problem that led us to this situation in the first place. It is going right back to the same policies of George W. Bush. Remember when George W. Bush became President? We had surpluses as far as the eye could see. Then he gave these tax breaks to the top 1 percent. By the way, this $160,000, that is the millionaires' tax break. They want to give tax breaks to the multimillionaires, to the billionaires, to the multibillionaires. They put no cap on the tax cuts whatsoever. Someone can earn $100 billion, they want to give them a tax break.

There is a cost. There is a cost to the Treasury. There is a cost to the debt. There is a cost to the deficit. There is a cost to fairness. There is a cost to the middle class. I think the American people have weighed in on this one. They

believe that to give a tax break to the first $250,000 of everybody's income is fair because then the people above that can pay a little more, the same rates they paid when Bill Clinton was President. We need to go back to those days when we created 23 million jobs and when we not only balanced the budget but we created surpluses as far as the eye could see.

The question is, who are you fighting for? Are you fighting for the people who make a billion dollars a year? That is who the Republicans fight for. They get so emotional about it. Or are you fighting for the middle class, the heart and soul of America—the people who live in my towns, the people who live in towns across this Nation, the people who get up every day and put one foot in front of the other and work hard, the people who are trying to raise their families, the people who want us to be fiscally responsible, not have a tax cut that causes huge deficits? We have been there. Trickledown doesn't work; giving to the top doesn't work. It has brought us the worst recession since the Great Depression.

Vote for the Democrats' plan and against the Republican plan, and do what our President said, which is get this country moving forward again.

I yield the floor.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Republican leader.

Mr. MCCONNELL. Madam President, I am going to proceed for a few moments on my leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. MCCONNELL. Madam President, the vote we are about to take on the Democratic plan to raise taxes is interesting for a few reasons. First, it is a revenue measure that didn't originate in the House, so it has no chance whatsoever of becoming law.

Second, it is the perfect example of what you get when you put politics over the people who sent you here. If the Democrats truly believed what the President has been saying out on the stump, they would vote on his plan. But as the vote tally will show, they can barely muster 50 votes on their own plan, let alone his. So for the entire President's talk about supporting a balanced approach to taxes, he evidently can't even get 50 votes for his plan in a Democratic-controlled Senate when we all know he would need 60 votes to get it to his desk.

Instead of voting on the President's plan, our Democratic friends have cobbled together the only thing they could come up with that would muster more than 50 votes—a purely political exercise, and a total waste of time.

But to be honest, I can't imagine why they would want to vote for either one, since both proposals raise taxes on about a million business owners, and both raise taxes on investment, at a time when the economy is in paralysis.

Here is the Democratic plan for the economy: We will get this thing going again—by raising taxes. Let's take more money out of small business and send it to Washington; that is how we will create jobs, they say. Let us create jobs instead of the small business owners out in America. After all, they don't create jobs anyway; of course, Washington creates jobs.

If you are looking for the legislative equivalent of the President's now famous view that ''you didn't build that,'' this is it.

They don't think you deserve to keep what you have earned because you are not responsible for earning it. They don't think you are entitled to keep what you have earned because, after all, you weren't even responsible for earning it; they are.

That is the message Democrats are sending with today's votes, that you are not responsible for your success; Washington is. So give us your money, and we will handle it for you. That is their tax plan. That is their plan for the economy and for jobs.

Fortunately for the American people, there is another approach. Next week, House Republicans will pass a bill that drew broad bipartisan support in this body 19 months ago, and it would draw broad bipartisan support today if Democrats were more concerned about what is best for creating jobs than they were in centralizing power right here in Washington and pleasing their liberal base.

The Republican proposal is to do no harm and to commit to the kind of serious tax reform we all know we need. That is the vote Senate Republicans are proud to take today and House Republicans will take next week. It is the plan Senate Democrats—and the President—would support if they were serious about jobs.

The Democratic plan is to raise taxes on nearly a million business owners and, in a notable departure from the President, threaten tens of thousands of family farms and ranches with a death tax of 55 percent at the end of the year. That is their plan. That is their idea of economic stimulus. That is the bill they would rather vote on than the President's proposal. And it is absolutely the last thing we need right now.

The good news is that this new, convoluted Democratic bill will never make it to the President's desk. It will never make it. The bad news is they will also vote down the one tax plan that should make it to his desk.

We can do better than this. It is time for the Democrats to work with us on rewarding success and not punishing it.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the cloture motion is withdrawn and the motion to proceed to S. 3412 is agreed to.

MIDDLE CLASS TAX CUT ACT

The PRESIDING OFFICER. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (S. 3412) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2573

Mr. HATCH. Madam President, I call up amendment No. 2573 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself and Mr. MCCONNELL, proposes an amendment numbered 2573.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Hike Prevention Act of 2012''.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' both places it appears and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012 and $79,850 in the case of taxable years beginning in 2013'', and

(B) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012 and $51,150 in the case of taxable years beginning in 2013''.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or 2011'' and inserting ''2011, 2012, or 2013'', and

(B) by striking ''2011'' in the heading thereof and inserting ''2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2010 or 2011,'' in subparagraph (B) and inserting ''2010, 2011, 2012, or 2013, and'',

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking ''2012'' and inserting ''2013''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(A) by striking ''2010 or 2011,'' in subparagraph (B) and inserting ''2010, 2011, 2012, or 2013, and'',

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking ''2012'' and inserting ''2013''.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 179 of such Code is amended by striking paragraph (6).

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(c) ELECTION.—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of the Internal Revenue Code of 1986 is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, 2012, or 2013''.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) of such Code is amended by striking ''2011'' each place it appears and inserting ''2013''.

(B) CONFORMING AMENDMENT.—The heading for subparagraph (C) of section 179(f)(4) of such Code is amended by striking ''2010'' and inserting ''2010, 2011 AND 2012''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 6. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

Mr. HATCH. Madam President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 183 Leg.]

YEAS—45

Alexander	Graham	Moran
Ayotte	Grassley	Murkowski
Barrasso	Hatch	Paul
Blunt	Heller	Portman
Boozman	Hoeven	Pryor
Burr	Hutchison	Risch
Chambliss	Inhofe	Roberts
Coats	Isakson	Rubio
Coburn	Johanns	Sessions
Cochran	Johnson (WI)	Shelby
Corker	Kyl	Snowe
Cornyn	Lee	Thune
Crapo	Lugar	Toomey
DeMint	McCain	Vitter
Enzi	McConnell	Wicker

NAYS—54

Akaka	Franken	Mikulski
Baucus	Gillibrand	Murray
Begich	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Inouye	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Landrieu	Shaheen
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Manchin	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden

NOT VOTING—1

Kirk

The amendment (No. 2573) was rejected.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, the Republicans' tax hike on the middle class has just been defeated. Their plan would have raised taxes by about $1,000 for 25 million middle-class families while giving millionaires an average of a $160,000 tax break. So let's look at that. Their bill would have raised taxes on 25 million middle-class families by about $1,000 a year, and it would have given millionaires a $160,000 tax break. Those numbers are staggering. Their bill would have raised taxes on parents trying to pay for college, on families—especially large families—with children. So it is no wonder a majority of Senators opposed that legislation.

In just a short time there will be a bill that will pass cut taxes for 98 percent of Americans, including every middle-class taxpayer and more than 97 percent of small businesses. This plan, proposed by President Obama, would cut taxes for 114 million American families. Theirs raises taxes for 25 million middle-class families. This is the only bill that has a chance of becoming law, so it is the only plan that would actually give a middle-class family the security of avoiding their fiscal cliff. The House should take up this legislation and pass it.

President Obama believes we must keep taxes low for 98 percent of Americans. Democrats agree. So do the majority of Americans. A majority of Americans, including a majority of Republicans, around this country believe taxes should remain low for the middle class but the top 2 percent should pay their fair share to reduce the debt. The bill the Senate is about to pass respects the will of the American people, including a majority of Republicans in America outside the Halls of this Congress. Republican Members of Congress disagree with a majority of Republicans.

The President, of course, has said he will sign the bill immediately. But now Republicans are threatening to hide behind yet another arcane procedural maneuver to stall this crucial legislation, and this will get the attention of the American people. They are threatening to do something called blue slip this because revenue-raising resolutions must be originated in the House of Representatives. But my Republican colleagues have very short memories. Senate Republicans are all too happy to bypass the procedural hoop when it suits their purposes. They are willing to go around it when it is time to reauthorize the FAA. They were willing to sidestep it when we passed the Violence Against Women Act. We did that here in the Senate. They were willing to dodge it when we passed the Transportation bill that was so important to this country. But now their excuse for stalling a tax cut for 98 percent of the American people is an old procedural trick that the American people do not understand, and rightfully so.

If Republicans in the House fail to act on this bill, taxes will rise by $2,200 for the typical middle-class family of four. That is $2,200 less to spend on gas, groceries, rent, and life in general for these people. This tax hike on ordinary families couldn't come at a worse time—just as our economy is doing its utmost to get back on its feet.

Republicans should not force middle-class families off their fiscal cliff to protect more wasteful giveaways to millionaires and billionaires—an average of $160,000 a year per millionaire. Democrats believe this country can't afford more budget-busting giveaways for the top 2 percent of earners. Again, Republicans in America agree with us. It is only here in the Senate that the Republicans don't agree. But that is a debate we are willing to have, and the House Republicans need not hold tax cuts for the middle class hostage in order to have that debate. They can and should pass our middle-class tax cuts immediately.

Once we give middle-class families security, we can spend the next 5 months debating whether wealthy families need more tax breaks. We know how the American people feel—just like we do.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, first let me welcome the Vice President here today, our good friend who served for so many years in the Senate.

It reminds me of the negotiation he and I conducted in December of 2010. I got a call from the Vice President one day, and he said: The President thought we ought to talk about the possibility of extending the current tax rates for everyone because the economy is not doing very well, and the worst thing we could do would be to raise taxes on anyone in the middle of this economic situation.

I said: Mr. Vice President, I think that is something we would be interested in.

So the Vice President and I negotiated for a period of time and agreed that because the economy was not doing well in December 2010, we ought to extend the current tax rates for everyone.

I can remember the signing ceremony. I was there. The majority leader was not. The Speaker of the House was not. The President made a speech in signing an extension of the current tax rates for everyone that I could have made myself. Forty Members of the Senate on the Democratic side voted for it.

Today, my colleagues, the economy is growing slower than it was in December of 2010. So we know this is not about the economy; we know this is about the election. We all know there is an election going on. There is politics from time to time practiced here in the Senate. I am not offended by that. But I think what the American people would like to hear from us is a response to the economic situation.

This proposal guarantees that taxes will go up on roughly 1 million of our most successful small businesses. Over 50 percent of small business income—25 percent of the workforce—will be affected by it. It guarantees that taxes will go up on capital gains, on dividends, which provide the income for a huge number of our senior citizens. This is a uniquely bad idea. It may poll well, as my friend the majority leader indicated, but, of course, the fact that he needed to mention that illustrates the point that this is more about the election than it is about the economy.

So I would predict there will probably be bipartisan opposition to this proposal. I am sure a few arms have been twisted in order to get the result. The Vice President is at a disadvantage: he can't speak, being an occupant of the chair. But in this particular instance, he is actually better not to because he would have the dilemma of trying to explain the difference between the economic situation the country confronts today and the condition the country confronted in December of 2010 when the economy was doing better. So be grateful, I say to my friend the Vice President. This is a debate I don't think you would want to lead.

With that, my colleagues and friends, I urge a ''no'' vote on this very, very bad idea for the U.S. economy.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, in 2010 the country was staring at what had taken place the prior 8 years—8 million jobs lost. What has happened in the years since 2010 that my friend the Republican leader talks about? This administration has created 4.5 million jobs. We haven't filled the hole we lost during the 8 years of the prior President, but we have made some progress. We all acknowledge we need to do more, but don't ever compare today with 2010.

First of all, everyone understands, all you folks who love to give tax cuts to the millionaires, our bill does that also. The first $250,000 they make is treated just like a middle-class family.

I would also point everyone to this. I have talked about the Republicans around the country supporting this legislation. Of course they do. They know the deficit needs to be handled, and they know that about $1 trillion is what our legislation will do to fill the hole of the debt.

But also, people who are in this great country of ours who have done so well understand that they are supposed to contribute more. They know that. My friend doesn't like to hear polls, but let me give him another one. Sixty-five percent of these really rich people are willing to pay more taxes. Again, the people who are unwilling to do this are people who signed a pledge for this person, Grover Norquist. And remember, there was a little vacillating about a month ago, so he came up here and had somebody renew their vows with him.

So we are on the side of the angels; we are on the side of the American people because this legislation that is going to pass is what is good for the American people. And I ask that we have that vote now.

Mr. MCCONNELL addressed the Chair.

Mr. REID. Remember, I always get the last word.

Mr. MCCONNELL. Let me briefly add that I listened carefully to what my friend the majority leader said. He once again was making it clear this is about the campaign. It is about the campaign and not about the economy.

But if you listen carefully to the rhetoric, what he is saying here is that these million businesses didn't create this success; that we somehow need to take this money because we will spend it better on their behalf.

Now, I know my colleague is going to get the last word, and that is fine. I am happy for him to have it. But the fact is this: The economy is in worse shape today than it was in December of 2010—worse shape today. The growth rate is slower. The President signed this bill, advocated its passage back then because the economy didn't need to get hit with a big tax increase. The growth rate is slower today. The economic situation remains largely the same. The worst we could do in the middle of this economic condition is to pass this tax increase.

Now my friend the majority leader can have the last word, and then we will be happy to go to a vote.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, they may have different newspapers in Kentucky than I read. I get my Nevada clips every day. I try to read some papers from back home. We have now 28 months of job growth in the private sector, 20 months in a row. That is pretty good.

This legislation is about the debt. It is about the debt. We have to do something about the debt, and we have tried mightily to do that. We have tried mightily.

We had the Conrad-Judd Gregg legislation. Seven people who are Republican Senators who cosponsored that wouldn't vote for it and allow me to get it on the floor because they had adopted the Republican leader's philosophy that the most important thing we can do is defeat President Obama for reelection. Then we went to Bowles-Simpson, which was a program we put together when we couldn't get that legislation. That was so good, by two of our best financial minds in the Senate, Judd Gregg and KENT CONRAD. And Bowles-Simpson didn't make it. Then we had a series of talks with the President and the Speaker. Always, we could never quite get it done. Why? Even though my friend and I care about him, JOHN BOEHNER said, I want to do big things, not little things. One of the little things he couldn't do is get his caucus to agree to just a little bit of revenue so we could have a deal, the grand bargain. Then we tried the BIDEN talks. The majority leader in the House of Representatives walked out on those talks. Then we had the supercommittee, and about 1 week before, by statute, PATTY MURRAY and her troops were supposed to offer the legislation, I got a letter signed by virtually every Republican Senator saying: No thanks. Grover wins again. No revenues.

This is about our country, about doing something about a debt. It will contribute about $1 trillion to the debt. That is not bad.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, I heard my good friend the majority leader say this is about the deficit. This will produce enough revenue to operate the government for about 1 week. This would produce about enough revenue to operate the government for about 1 week.

This is not about the deficit or the debt, this is about the campaign. We all know there is a campaign going on, but why don't we do serious legislating here? No budget, no appropriation bills, no DOD authorization bill. When are we going to actually pass things in the Senate?

This is a uniquely bad idea for the economy. The good news that I can say to the American people is that it isn't going to happen today. It ought not to

happen anytime. This is part of the fiscal cliff we are facing at the end of the year. The Chairman of the Fed is concerned about it, the Congressional Budget Office, which Republicans certainly don't run, is concerned about it. We have heard talk on the other side that we should have Thelma and Louise economics and just drive the country right off the cliff. We all get in the car and go right off the cliff together and see what it is like.

The American people know a campaign is going on, but why don't we in here try to do something important for the country now. The campaign will take care of itself. This is not a serious piece of legislation because it is not going anywhere, and thank goodness it is not going anywhere because it would be bad for the economy and the single worst thing we could do to the country.

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, required reading for decades now has been George Orwell. College students read it now just like I did when I was in college. George Orwell came to the conclusion that we have arrived at a time where up is down and down is up, and that is what my friend, the Republican leader, has done. If there were ever a statement Orwellian, it is his.

We haven't done the appropriations bill. Stop and think just 1 minute. Does the minority leader think 85 filibusters had anything to do with that? Eighty-five filibusters. We haven't done a budget. That is poppycock. We have one. We did it, and my Republican friends—I appreciate it—voted with us. We have our numbers right now. We could have done every appropriations bill. Chairman INOUYE marked them up. We can't do them because we have to overcome 85 filibusters.

For my friend to say, let's do something important, please—is this bill we are going to pass important? You bet it is. He said it would only pay for the government for 1 week or whatever the number was. Over 10 years, it is $1 trillion. Over 1 year, it is $100 billion. Even in Las Vegas that is not chump change.

I wish we would vote now.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The VICE PRESIDENT. The question is on the passage of S. 3412.

Mr. MCCONNELL. I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The VICE PRESIDENT. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 48, as follows:

[Rollcall Vote No. 184 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Reid
Boxer	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Stabenow
Casey	Levin	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—48

Alexander	Enzi	McConnell
Ayotte	Graham	Moran
Barrasso	Grassley	Murkowski
Blunt	Hatch	Paul
Boozman	Heller	Portman
Brown (MA)	Hoeven	Risch
Burr	Hutchison	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lieberman	Vitter
Crapo	Lugar	Webb
DeMint	McCain	Wicker

NOT VOTING—1

Kirk

The bill (S. 3412) was passed, as follows:

S. 3412

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

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the ''Middle Class Tax Cut Act''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901(a)(1) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25- AND 28-PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

''(2) 25- AND 28-PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

''(A) by substituting '25%' for '28%' each place it appears (before the application of subparagraph (B)), and

''(B) by substituting '28%' for '31%' each place it appears.''.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

''(3) 33-PERCENT RATE BRACKET.—

''(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

''(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer's taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

''(I) the applicable amount, over

''(II) the dollar amount at which such bracket begins, and

''(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer's taxable income in such bracket in excess of the amount to which clause (i) applies.

''(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term 'applicable amount' means the excess of—

''(i) the applicable threshold, over

''(ii) the sum of the following amounts in effect for the taxable year:

''(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

''(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

''(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term 'applicable threshold' means—

''(i) $250,000 in the case of subsection (a),

''(ii) $225,000 in the case of subsection (b),

''(iii) $200,000 in the case of subsections (c), and

''(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

''(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term 'fourth rate bracket' means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

''(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting '2008' for '1992'.''.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking ''the applicable amount'' the first place it appears in subsection (a) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(ii) by striking ''the applicable amount'' in subsection (a)(1) and inserting ''such applicable threshold'',

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking ''the threshold amount'' in subparagraphs (A) and (B) and inserting ''the applicable threshold in effect under section 1(i)(3)'',

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes ''in a calendar year after 1989,'' and inserting the following:

''(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning''.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

''(ii) the excess (if any) of—

''(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

''(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C),''.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

''(C) 15 percent of the lesser of—

''(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

''(ii) the excess described in section 1(h)(1)(C)(ii), plus

''(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus''.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking ''15 percent'' and inserting ''20 percent'':

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 53511(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking ''5 percent (0 percent in the case of taxable years beginning after 2007)'' and inserting ''0 percent''.

(3) Section 1445(e)(6) is amended by striking ''15 percent (20 percent in the case of taxable years beginning after December 31, 2010)'' and inserting ''20 percent''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking ''or 2012'' and inserting ''2012, or 2013''.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking ''and 2012'' each place it appears and inserting ''2012, and 2013''.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking ''AND 2012'' in the heading and inserting ''2012, AND 2013'', and

(2) by striking ''or 2012'' and inserting ''2012, or 2013''.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking ''AND 2012'' in the heading and inserting ''2012, AND 2013'', and

(2) by striking ''or 2012'' and inserting ''2012, or 2013''.

(d) TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Subsection (b) of section 6409 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $250,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $800,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(c) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 201. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012'', and

(2) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 202. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking ''or 2011'' and inserting ''2011, or 2012'', and

(2) by striking ''2011'' in the heading thereof and inserting ''2012''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE III—BUDGETARY EFFECTS

SEC. 301. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Ms. KLOBUCHAR. Mr. President, I rise today in support of the Middle Class Tax Relief Act. This afternoon, I voted for legislation that would have extended the middle-class tax cuts through 2013.

In Minnesota, 2 million families and small businesses will see their Federal income taxes increase by an average of $1,600 unless the middle-class tax cuts are extended. Instead of waiting until the eleventh hour, this legislation would have provided certainty for families and small businesses that their already squeezed budgets won't have to be trimmed further in the coming year.

I would like to make clear that extending the middle-class tax cuts is just the first step. There is a growing majority here that favors comprehensive tax reform that would simplify the Tax Code, broaden the base, and lower tax rates. Passing the middle-class tax cuts today would give us time to reach consensus on the details of reform that would streamline our Tax Code, pay down our debt, and ensure the United States remains competitive.

We also must take action on the estate tax. If Congress does nothing, the exemption would drop to $1 million and the rate would rise to 55 percent. This is not an acceptable outcome and would hurt farmers and small businesses in Minnesota who have worked hard to build a legacy they can pass on to their children and grandchildren. In the past we have come together to pass compromise levels that don't harm farmers and small business owners, while still being mindful of our deficit. I will work to ensure it happens again.

Mr. BENNET. Mr. President, I rise to talk briefly about the estate tax and Colorado's agricultural community and small businesses. While I voted in favor of the Middle Class Tax Cut Act, I do not believe that this legislation represents an end to the tax reform debate in Washington. In particular, it is important that we find a bipartisan and responsible path forward on the estate tax that provides the necessary certainty for businesses and families across Colorado. This is vital for Colorado's economy. I am committed to working with my colleagues in Congress to establish an estate tax policy that works for small businesses, family farms and ranches, and all Coloradans.

CYBERSECURITY ACT OF 2012—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 470, S. 3414.

The VICE PRESIDENT. The clerk will report.

The bill clerk read as follows:

Motion to proceed to Calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion which has been filed at the desk and I ask that it be reported.

The VICE PRESIDENT. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 470, S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, John D. Rockefeller IV, Dianne Feinstein, Sheldon Whitehouse, Barbara A. Mikulski, Barbara Boxer, Jeff Bingaman, Patty Murray, Max Baucus, Charles E. Schumer, Bill Nelson, Christopher A. Coons, Tom Udall, Carl Levin, Mark R. Warner, Ben Nelson.

Mr. REID. Mr. President, I now ask unanimous consent that the mandatory quorum under rule XXII be waived.

The VICE PRESIDENT. Without objection, it is so ordered.

HONORING SENATOR LEAHY AND SENATOR LUGAR

Mr. REID. Mr. President, I rise with great pleasure to honor my colleagues, Senator PATRICK LEAHY of Vermont and DICK LUGAR of Indiana, as they reach a milestone in their careers. They each cast a momentous vote just a short time ago. For Senator LEAHY, the vote just cast is his 14,000th rollcall vote. For Senator LUGAR—it is interesting that it is the same day and 1,000 votes apart—it is his 13,000th. These two fine men and dedicated Senators share the milestone purely by coincidence.

I applaud PAT LEAHY, my dear friend, who has always possessed a great drive to serve. Maybe it was growing up across from the State House in Montpelier that put the idea in his head from such a young age.

After graduating from Georgetown University Law School, PAT served 8 years as State's attorney for Vermont before coming to the Senate. He continues to exercise his fine legal mind as chairman of the Senate Judiciary Committee. Senator LEAHY has also led the fight against landmines, as well as numerous landmark pieces of legislation on which he has been the leader.

PAT is loved by the people of Vermont. His intellect and his oratorical skills, his boldness, and his persuasiveness are all overshadowed by one thing—by his teammate Marcelle. Marcelle is clearly his greatest asset.

I also commend my colleague Senator LUGAR on reaching his milestone of his 13,000th vote. Senator LUGAR is a fifth-generation Hoosier, a proud Navy veteran, and the longest serving Member of Congress in Indiana history. He is also a bit of an overachiever, graduating first in both his high school and college classes, and going on to become a Rhodes Scholar at Oxford.

As ranking member of the Foreign Relations Committee and past chairman of the committee, having served with the Presiding Officer for decades, he has dedicated his time in the Senate to reducing the threat of nuclear, chemical, and biological weapons.

It has been my distinct pleasure to watch both of these fine Senators work tirelessly on behalf of the United States. I congratulate both of them on their service and on reaching this impressive milestone.

The VICE PRESIDENT. The Republican leader.

Mr. MCCONNELL. Mr. President, as the majority leader has indicated, two legislative milestones have been reached in the Senate today by two dedicated and long-serving Senators who happen to be from different sides of the aisle. I pay tribute to the senior Senator from Vermont, Mr. LEAHY, for casting his 14,000th vote, and to the senior Senator from Indiana, Mr. LUGAR, for casting his 13,000th vote.

To put these milestones in perspective:

Senator LEAHY, a Member of the Senate since 1975, ranks sixth on the all-time rollcall vote list, most recently passing former Senator Pete Domenici. Senator LUGAR, who was first elected to the Senate 2 years later, in 1976, ranks tenth on the all-time list and most recently passed our former colleague and current occupant of the chair, Vice President JOE BIDEN. This is not only a remarkable accomplishment of longevity for both men, it is also an opportunity for their colleagues to honor them for their decades of service to the people of Indiana and of Vermont.

Senator LEAHY isn't just the second most senior Senator in this body, he is also the chairman of the Judiciary Committee and a senior member of the Agriculture and Appropriations Committees. PAT and I got to know each other pretty well, alternating as chairman and ranking member of the Foreign Operations Subcommittee of Appropriations for over a decade. Somehow he finds time to also be an amateur photographer and to have a blossoming movie career. I have no doubt he gives most of the credit, of course, to Marcelle, his wife, with whom he will be celebrating a far more important milestone in the next month, their 50th wedding anniversary. So congratulations to PAT on both counts.

As for our friend Senator DICK LUGAR, I have known him going back to my first Senate campaign. He is the longest serving Member of Congress in Indiana history and one of America's most widely respected voices on foreign policy. In a career filled with many achievements and milestones, Senator LUGAR's leadership on the Nunn-Lugar Cooperative Threat Reduction Program is, in my opinion, his greatest and most lasting achievement with the American people—not only for the American people and for the security of this country, but for the promotion of peace throughout the world. Because of Senator LUGAR's work, thousands of nuclear warheads have been dismantled and the world is, indeed, a safer place.

Like Senator LEAHY, I know Senator LUGAR would say none of this would have been possible without the love and support of his wife of 55 years, Charlene. So I congratulate them both on this milestone and I join my colleagues in once again paying tribute to

our two colleagues and this signature achievement.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Vermont.

Mr. SANDERS. Mr. President, I rise to congratulate my longtime friend and colleague from Vermont, Senator PATRICK LEAHY, on the occasion of his 14,000th vote. That is a lot of votes. In the long history of our Republic, only six Senators have achieved that milestone before him.

Born in Montpelier, VT, our State's capital, educated at St. Michael's High School in Montpelier, St. Michael's College in Colchester, VT, and Georgetown University Law School, Senator LEAHY was first elected to the Senate in 1974—the first and, to this date, only Democrat elected to the Senate from Vermont. I remember that campaign very well because I was in it, and PAT LEAHY got a lot more votes than I did.

Before assuming the office of U.S. Senator, PAT LEAHY gained a national reputation for law enforcement during his 8 years as State's attorney in Chittenden County—the State's largest county.

Over his 3½ decades here in the Senate, PATRICK LEAHY has many remarkable achievements. Let me just mention a few.

Cognizant of the suffering and tragedy that landmines cause for civilian populations, PATRICK LEAHY has led, in this body and, in fact, the entire U.S. Government, the campaign to end the production and use of antipersonnel landmines. Many lives and limbs have been saved as a result of Senator LEAHY's efforts.

With similar commitment and passion, as chair of the Senate Judiciary Committee, PATRICK LEAHY has led the effort to insist on fairness at the Department of Justice, to support free speech and a free press, and to require and maintain openness and transparency in government. At a time of major infringements on privacy rights in this country from both the private sector and the government, PAT LEAHY has been a strong champion of civil liberties and the Constitution of the United States.

Senator LEAHY, reflecting Vermont's very strong consciousness regarding the need to preserve our environment, has for many years been a champion of environmental protection and has been named over and over one of the top environmental legislators by the Nation's foremost conservation organizations. He has been, as Vermonters well know, a special champion in preserving the high quality of water in Lake Champlain, our beautiful lake, perhaps the most valuable natural resource we have in our State.

Today, I congratulate, on behalf of the people of the State of Vermont, Senator PATRICK LEAHY on the occasion of his 14,000th vote and look forward to working with him as closely in the future as we have worked in the past.

Mr. DURBIN. Mr. President, I want to add my voice to the well-deserved chorus of congratulations for our colleague and friend from Vermont.

Senator PATRICK LEAHY is the last remaining member of a historic class in the U.S. Senate, the class of 1974, better known as the ''Watergate babies.'' And he has been making history ever since.

Casting 14,000 votes in the Senate is kind of like joining the 3,000 Hit Club in baseball. It is an achievement many dream of but few actually reach.

More important than the number of votes Senator LEAHY has cast, however, is the wisdom and courage of his voting record.

It has been my privilege to serve on the Senate Judiciary Committee for more than 15 years. During that time Senator LEAHY has been either our committee chairman or its ranking member.

I have the greatest respect for PATRICK LEAHY's fidelity to the rule of law and his determined efforts to safeguard the independence and integrity of America's Federal courts. He is a champion of human rights at home and abroad.

I congratulate him on this milestone. As an old friend of his might say, just keep truckin' on.

Mr. President, I also want to congratulate another friend and colleague, Senator RICHARD LUGAR from Indiana.

Senator LUGAR knows that wisdom is not the exclusive property of any one political party.

He bases his political decisions not on polls or the passions of the day but on what his conscience and his own careful study tells him is right.

Two years ago, DICK LUGAR joined me in asking the President not to deport young people who were brought to this country at a young age by their parents.

When the DREAM Act was on the Senate floor a year and a half ago, Senator LUGAR was one of three Republicans who voted in support.

He coauthored the Nunn-Lugar Cooperative Threat Reduction Act—one of the most visionary and courageous bipartisan achievements in recent time.

His work on the Global Fund has helped the United States meet its commitment to the single most powerful tool in the fight against AIDS, tuberculosis and malaria.

Senator LUGAR has served six terms in the Senate, and he will be missed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I want to thank, of course, the majority leader and the Republican leader, friends with whom I have served for years—and we have always been friends—for their kind words.

I want to thank my colleague from Vermont, another dear friend. Our careers have paralleled in many areas—from the time he was the mayor of our largest city, to being our lone Representative in the House of Representatives, to now being my partner here in the Senate.

Of course, as to my dear friend DICK LUGAR, we have worked together so many times. We alternated between being the chair and ranking member of the Senate Agriculture Committee. He did a great deal on the environment, passed an organic farm bill, did so many things, all the time when he was doing his invaluable work to protect our Nation against nuclear weapons.

Mr. President, I value the Senate. I love the Senate. It has been a major part of my life. But I was glad to hear both leaders mention the true love of my life, my wife of nearly 50 years. There is nothing I have accomplished throughout my whole public career that I could have done without Marcelle's help. Not only has she raised three wonderful children and is helping to raise five wonderful grandchildren, every single day I have been a better person because of her. When we first started the race for the Senate in 1974, few people said I could win. Marcelle and I campaigned together. She always said I could. And we did.

None of us know how long we might be in the Senate, but I have valued every single moment here, and I will value every single moment as long as I am here.

I am glad Marcelle is here. She is joined by my dear and valuable friend PETER WELCH, our Congressman from Vermont, and his wife Margaret, but also so many members of my staff. I feel that I have been blessed with the finest staff any Senator has ever had. Again, they are the ones every day who, if I look good and do something well on this floor, I give the credit. I joke that I am a constitutional impediment to them totally running everything. But thank goodness they are there. I will speak more about this at another time.

But it is a special feeling to be here with my friend DICK LUGAR, to hear the kinds words of my friend and colleague BERNIE SANDERS, to know that the other Member of our delegation—we are a huge delegation; all three Members—PETER WELCH is here. But especially I acknowledge Marcelle and Kevin, Alicia, and Mark, and their families. How wonderful it is to be here.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, what a pleasure it is to be with my colleague PAT LEAHY on this very special day. It was a great coincidence that the 13,000th vote and the 14,000th vote should occur this afternoon, but what a joyous moment to be with my friend on this experience.

I once again thank the leader MITCH MCCONNELL of our party and HARRY REID the majority leader of the Senate for their very generous remarks about both PAT and me.

I join PAT in extolling the virtues of those who have made such a difference in our lives. My wife Charlene, our 4

sons, our 13 grandchildren, our great-grandchildren—these are very precious people who have made such a difference in my life and made it possible for me to have good health and spirits throughout all this time and to enjoy thoroughly this experience.

I would just add to the remarks of my colleague that tomorrow we hope to have a little celebration in the Agriculture Committee room.

Long ago, at the beginning of our careers, PAT and I were situated at the end of the long table that stretched the length of the Agriculture Committee room. Our chairman, Herman Talmadge of Georgia, was at one end with Senator Jim Eastland of Mississippi. I am not certain what the rules of the Senate were at that time, but I recall that frequently both were enveloped in smoke at the end of the room, and it seemed to me that they were, in fact, developing whatever the policy was going to be and making decisions. As a matter of fact, sometimes they simply arose, and PAT and I were left to ponder really what had occurred.

So it was appropriate that our two portraits should be put at the end of the table, at the entry to the Agriculture Committee room, where we once sat as the most junior members and eventually ascended to the chairmanship, having great experiences together in farm policy and the ability to help feed the world.

I am grateful, likewise, for Vice President BIDEN's presence today because he was a wonderful partner in the Foreign Relations Committee for so many years. I was not aware that the Vice President would be in the chair. I told him I was somewhat embarrassed because my 13,000th vote finally eclipsed his votes, and he ranks now 11th. JOE was aware of that. He had in the chair today the rankings 1 through 11. So we are sort of all situated and still love each other in the process.

I thank all Senators for the honor that has been accorded for this opportunity to address the body. This has been a great experience of my life, and this has been a very special moment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, first of all, I congratulate my colleagues, Senator LEAHY and Senator LUGAR, for this achievement and thank them for their service to the country.

I also appreciate the willingness of Senator COLLINS and Senator LIEBERMAN to allow me to speak for a few minutes before we return to the business at hand—legislation regarding cybersecurity.

USDA EMPLOYEE NEWSLETTER

I want to point out to my colleagues—and perhaps to the Department of Agriculture—something I saw today that caught my attention. In fact, it is amazing to me, this development.

This is the Department of Agriculture's—the USDA—employee newsletter I hold in my hand. In that newsletter, it says the following—it has a section in the newsletter that says ''Food Services Update.'' Well, the Department of Agriculture, which, in my view, has a serious and significant responsibility to promote agriculture, says this in their own newsletter:

One simple way to reduce your environmental impact while dining at our cafeterias is to participate in the ''Meatless Monday''. . . .

''Meatless Monday.''

This effort . . . encourages people not to eat meat on Mondays. . . .

How will going meatless one day of the week help the environment? The production of meat, especially beef (and dairy as well) has a large environmental impact. According to the U.N.—

''According to the U.N.''—

animal agriculture is a major source of greenhouse gases and climate change. It also wastes resources. It takes 7,000 kg of grain to make 1,000 kg of beef. In addition, beef production requires a lot of water, fertilizer, fossil fuels, and pesticides. In addition there are many health concerns related to the excessive consumption of meat. While a vegetarian diet could have a beneficial impact on a person's health and the environment, many people are not ready to make that commitment. Because Meatless Monday involves only one day a week, it is a small change that could produce big results.

Our own Department of Agriculture, again, at least from my perspective—and we ought to look at what the mission of the Department Agriculture is, and I think it will reflect what I am saying—is to promote agriculture, to help those who every day go to work to produce food, fiber, and fuel for this country and the world. Yet our own Department of Agriculture is encouraging people not to eat meat and indicates—from these statements, again, from their newsletter—that ''the USDA Headquarters Food Operations are a high profile opportunity to demonstrate USDA's commitment to USDA mission and initiatives.''

So it would not surprise me if what you see is that the Department of Agriculture somehow loses this newsletter. But it is posted on their Web site, and I would encourage Secretary Vilsack and the officials at the Department of Agriculture to rethink their role in discouraging something that is so vital to the U.S. economy and something so important to the Kansas economy.

We are a beef-producing State, and it generates significant revenue for Kansas farmers and ranchers and is one of the items that improve our balance of trade, as we export meat and beef around the world. Yet our own Department of Agriculture encourages people not to consume meat.

I think I will have more to say about this topic, but for the moment, in light of the kindness that was extended to me by the Senators, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend from Kansas. Normally, when you yield the floor to a colleague in the Senate, you are not sure how long they are going to speak. So he not only kept his word to speak for less than 3 minutes, he proved that he continues to have some lingering holdover reflexes from his service in the House of Representatives, where they always speak shorter than we do.

Mr. President, what is the pending business?

The PRESIDING OFFICER. The motion to proceed to S. 3414.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I rise to support that motion to proceed to S. 3414, which is the Cybersecurity Act of 2012, and I do so with the hope and request that all of our colleagues will vote yes on this motion to proceed so we can begin what I think is a crucial debate about how best to protect our national and economic security in this wired world where threats increasingly—and thefts—come not from land, sea, or sky, but from invisible strings of ones and zeros traveling through cyberspace.

This bill has been a long time in coming to the floor. A lot of work has been done on it. But I must say, I have a sense of confidence, certainly, about the inclination of the overwhelming majority of Members of the Senate to vote to proceed to this matter because I think everyone in the Chamber understands what we are dealing with is not a problem that is speculative or theoretical.

Anybody who has spent any time not even studying the classified materials on this but just reading the newspaper, following the media, knows that America is daily under constant cyber attack and cyber theft. The commander of Cyber Command, GEN Keith Alexander, said recently in a speech that cyber theft represented the largest transfer of wealth in human history.

That is stealing of industrial secrets and moving money from bank accounts. I believe he said it was as if we were having our future stolen from us. It is all happening over cyberspace. Obviously, enemies—both nation states, nonstate actors such as terrorist groups, organized criminal gangs, and just plain hackers—are finding ways to penetrate the cyber systems on which our society depends, the cyber systems that control critical infrastructure: electric grid, transportation system, the whole financial system, the dams that hold back water, et cetera, et cetera, et cetera.

This bill is not a solution in search of a problem. It is a problem that is real and cries out for the solution this bill would provide. There are some controversial parts of the bill. There has been some spirited debate both in committee and in the public media about it. There is a competing bill introduced by some of our colleagues called SECURE IT.

But I want to report to the Chamber and to the public that there was a significant breakthrough today where the lead cosponsors of our bill, Senators COLLINS, ROCKEFELLER, FEINSTEIN, CARPER, and I met with the lead cosponsors of the other bill, Senators CHAMBLISS, MCCAIN, and HUTCHISON, along with a group of Senators led by Senator KYL and Senator SHELDON WHITEHOUSE, who, along with Senator COONS, Senator MIKULSKI, Senator COATS, and others who have been working very hard to create common ground because they recognize the urgency of this challenge.

Well, this is good news. We got a motion to proceed, which, in the current schedule, will come up on Friday. I think it would send a message of real encouragement to the public that we can still get together across party lines on matters of urgent national security if we adopted that motion to proceed overwhelmingly, particularly now that we are engaged in dialogue with the leaders of these main bills and people trying to bridge gaps that began to meet today. We will meet again tomorrow morning. So I think we have a process going that can lead us to a very significant national security accomplishment.

I am going to yield at this time to Senator ROCKEFELLER, the chair of the Commerce Committee, whose committee produced a bill of its own. He worked very closely with Senator COLLINS and me to blend our bills. We did. Senator FEINSTEIN came along with her chairmanship of the Intelligence Committee of the Senate, did some tremendous work on the information-sharing provision, title VII of the bill before us.

I know Senator ROCKEFELLER has another engagement which he has to go to. So I am going to yield to him for his opening statement. Then Senator COLLINS, who, as always, for all these years, has been just the most steadfast, constructive, sturdy, reliable, creative partner in working on this bill. It gives me confidence that together we will see it to success next week. So I will now yield to the distinguished senior Senator from West Virginia, who is a real expert on this subject and has contributed enormously to the bill that is pending before the Senate now.

Mr. ROCKEFELLER. My dear colleague, I would feel better if the Senator from Maine spoke before I did.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Maine.

Ms. COLLINS. Mr. President, that is very kind of the Senator from West Virginia. My statement is quite lengthy. So if the Senator from West Virginia, in light of his commitment, would like to precede me, I would be more than happy to have him do so. I would encourage him to go ahead. Then the Senator from Connecticut has graciously said he would allow me to go next. We are all so nice around here.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I wish all negotiations proceeded with such comity. For those of us who have lived long enough, we have seen, obviously, enormous transition. We are in a totally new age.

Today, as we begin our debate, over 200 billion e-mails will be sent around the world to every continent. Google, a company that really is just 10 years old, will process over 1 billion searches and stream more than 2 billion videos today. And in the next minute, about 36,000 tweets will be posted on Twitter. So we are now connected as we never have been before.

Here in the United States we have been the leader in both its development and adoption of the initial structure. Actually, it is interesting because it was created by our own government. The open nature of the Internet can be traced back to our initial decision in the government to relinquish control of what we had invented, so to speak. So to this day our Nation remains a leader in using the Internet's innovation and growth.

In just over a decade, we have digitized and networked our entire economy and our entire way of life. Every one of our most critical systems now relies upon these interconnected networks: power grids, transportation systems, gas pipelines, telecommunications. They all rely on networks to function. They all rely on the Internet. Yet the ramifications of this new era remain poorly understood by many; frankly, by most.

History teaches us that disruptive technological advancements can bring about both opportunities and also dangers. We cannot let our exuberance blind us from this simple truth. We cannot ignore the part of the equation in this happy adventure of ours that is unpleasant. This is it. These technological advances can compromise our national security and indeed are already doing so.

The connectivity brought about by the Internet and the new ability to access anything, combined with our decision as a country to put everything we hold dear on the Internet, means we are now vulnerable in ways that were unfathomable just a few years ago. Yes, we rushed to digitize and connect every aspect of the American economy and way of life. We have spent little time focusing on what this actually means with respect to our security. We have left ourselves extraordinarily vulnerable.

The consequences, as pointed out by the Senator from Connecticut, are devastating. Our intellectual property is our greatest asset as a nation. It is our greatest advantage in the world. It is currently being pilfered and stolen because it is connected to the Internet and therefore is unsecure.

Well, we did not think about that, did we? Experts have called this, as the Senator from Connecticut said, the greatest transfer of wealth in the history of the world. That is a dramatic statement, but it is just an absolute terrifying fact—terrifying fact.

Our most important personal information, including our credit card numbers, our financial data is now accessible via the Internet and is stolen through data breaches that occur all the time.

Most importantly, our critical infrastructure: water facilities and gas pipelines to our electric power grid and communications networks are now vulnerable to cyber attacks, and they are happening. Many of those systems were designed before the Internet. In fact, virtually all of these systems were designed before the Internet came about, and were never intended to be connected to a network. Yet they are. Therefore, they are unsecure.

If these systems are exploited via cyber vulnerabilities, lives could be lost. Yes, there is lots of other things that could happen before that, but this has the potential to be far greater than even the tragedy of 9/11.

In recent months we have learned that hackers penetrated the networks of companies that control our Nation's pipelines—gas pipelines. There have been attempts to penetrate the networks of companies that run nuclear power plants. Last year, a foreign computer hacker showed that he could access the control systems of a water facility in Texas with ease. He accomplished this task in minutes at a computer thousands of miles away.

Our critical infrastructure is being targeted, and it is vulnerable. The major general of our National Guard, James Hoyer, recently shared a frightening story with me. He was talking about his work on cybersecurity. He said in West Virginia, he learned that a critical infrastructure facility in the State—critical infrastructure facility; that means a really important one—its engineers were being allowed to operate control systems on their home computers. How naive. But who would know? Who would have guessed?

The Internet and what it has done for our country is unparalleled, but everything we have accomplished in this Internet age is now vulnerable and, in starker terms, undoable. We have built a castle in the sand and the tide is approaching. Our systems are too fragile, too critical, and too vulnerable. It is a recipe for disaster. It is time to do something about it before it is too late.

We have all known about the seriousness of our cyber situation for years. Our national security experts know it. Our law enforcement experts know it. And there is a bipartisan agreement that something needs to be done. But that does not tell us a lot, to make that statement in the Senate. In my capacity both as the chairman of the Commerce Committee and former chairman of the Senate Intelligence Committee, and still on that committee, I have become very familiar with the threat posed by cybersecurity. I have been working with my colleagues to address it.

For the past 3 years, a number of us have been working with both Republican and Democratic Senators to find

common ground on these issues so we can have a bill to get control of this. We have held hearings, we have held markups, we have held countless meetings with the private sector and interest groups. It is an endless, endless process, and the staff does four times as much.

We have been very patient in working to find a compromise. Now is the time to make that compromise happen. It will not happen today; it could happen in the next several days. We know what we need to do, I do believe. So here is what we know right now: The Federal Government needs to do a better job of protecting its own networks.

Companies control most of our Nation's critical infrastructure, and they need to do a better job of eliminating cyber vulnerabilities in their systems. There are no clear lines in the authorities and responsibilities in the Federal Government for cybersecurity, which will cause confusion in the event of a cyber catastrophe.

The private sector and the Federal Government need to be able to share information about cyber threats. Over the last year, the committees of jurisdiction in the Senate have worked together. The committees have worked together to finalize legislation that addresses each of those concerns.

Senators LIEBERMAN, FEINSTEIN, COLLINS, and I have made it a priority, as well as others, to finish this work together and with a broader group. We believe every Member of this body will be able to support some kind of legislation. We have put legislation before the Senate, but it is subject to change. In fact, it may be in the process of changing in a good sense because we held a long meeting this morning. We are going to have another one tomorrow, perhaps on a daily basis.

The basic thing we have done is that we took a more regulated approach. In other words, we have to do this. This is what we should do. At one level we should do it.

We have taken that away, and we have made it much more voluntary. We made it a voluntary approach. Some say that is worse than no bill at all, to which I reply, no, if we incent people properly with a voluntary approach, the pressure to do something is greater, particularly if they have to submit to audits as to the standards of work they are doing to protect themselves.

There are a variety of ways to do this. We could have a council—a DHS council that would decide what the standards should be. There was talk this morning about having a convening session called by NIST, National Institute of Science and Technology—which is very good at this stuff—convene the private sector and have those two work out a system. NIST has no regulatory authority, so they could let them come up with their suggestions. Then there was an idea that maybe DHS could look at that and certify it, stamp it with approval, on basic critical infrastructure. Of course, we would have to pick out which was the critical infrastructure because there is lots of it. Which one would be subject to special regard is something we would still have to work out.

This bill, however it works so far, and I think in the future, is bipartisan. There is some sort of tribulation about let's let bygones be bygones, we have all given up and compromised, to which my point of view is some of us have been working on this for a very long time, and we have been joined by others with good ideas. But don't close off the past or the future.

The bill will be bipartisan. It will incorporate the good ideas and suggestions that have been made by many colleagues. We have settled on a plan that creates no new bureaucracy. However that plan forms, it will have no new bureaucracies or heavy-handed regulation. That is already understood. It is premised on companies taking responsibility for securing their own networks, with government assistance where necessary. This bill represents a compromise, and it is time to move forward with it.

I think, in closing, back to the year 2000 and 2001. I was on the Intelligence Committee at the time of 9/11. The fact is, we get reports on all this which never surfaced, but we know the facts. There were signs of people moving around the country, and they weren't just sort of haphazardly moving around. In San Diego, a certain safe house there would appear and people were coming and going from there. Then there was the FBI office in Minneapolis and the Moussaoui case, and the FBI office in Minneapolis reported to the FBI Osama bin Laden office—and perhaps that didn't happen.

We all knew something was new and that the world was getting different. We knew the danger could come upon us. Our intelligence and national security leadership took these matters very seriously. However, they did not take it seriously enough, nor did we. So then it was too late and 9/11 happened, and the world changed forever.

Today, we have a new set of warnings flashing before us with a wide range of challenges to our security and safety and we once again face a choice: Act now and put in place safeguards to protect this country and our people or act later when it is too late. Obviously, the conclusion is we must act now.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from West Virginia for his comments. He has worked so hard on this issue for many years but, in particular, the past 3 years, as he and the chair of the Senate Intelligence Committee, Senator FEINSTEIN, have worked with Senator LIEBERMAN and me.

I rise this evening to urge our colleagues to vote to begin the debate on the Cyber Security Act of 2012. Senator LIEBERMAN and I have introduced this bill along with our colleagues Senator ROCKEFELLER, Senator FEINSTEIN, and Senator CARPER. It has been a great pleasure to work with all of them—and work we have—in numerous sessions over literally a period of years, as we have attempted to merge the bills that were reported by the Commerce Committee and the Homeland Security Committee.

Of course, it is always a great pleasure to once again work with my dear friend the chairman of the Homeland Security Committee, Senator LIEBERMAN, as we bring forth yet another bipartisan bill to the Chamber for its consideration.

FBI Director Robert Mueller has warned that the cyber threat will soon equal or surpass the threat from terrorism. He has argued that we should be addressing the cyber threat with the same kind of intensity we have applied to the terrorist threat. This vital legislation would provide the Federal Government and the private sector with the tools needed to help protect our country from the growing cyber threat. It would promote information sharing, improve the security of the Federal Government's own networks, enhance research and development programs and, most important of all, it would help to better secure our Nation's most critical infrastructure from cyber attack. These are the powerplants, the pipelines, the water treatment facilities, the electrical grid, the transportation systems, and the financial networks upon which Americans rely each and every day.

The fact is the computerized industrial controls that open and close the valves and switches in our infrastructure are particularly vulnerable to cyber attack. Indeed, the Internet is under constant siege on all fronts by nations such as China, Russia, and Iran, by transnational criminals, by terrorist groups, by activists, and by persistent hackers. That is why our Nation's top national security and homeland security leaders from the current and former administrations have urged us to take legislative action to address this unacceptable risk to both our national security and our economic prosperity.

Earlier this year, Defense Secretary Leon Panetta described our bill as ''essential to addressing our Nation's critical infrastructure and network cyber security vulnerabilities, both of which pose serious national and economic security risks to our Nation.''

Just last month, the Secretary reiterated his call for Congress to pass our bill and stress the potential for a cyber attack to cripple our critical infrastructure in a way that would virtually paralyze this country.

The Director of National Intelligence, James Clapper, has also sounded the alarm. He has described the cyber threat as a ''profound threat to this country, to its future, its economy and its very being.''

The warnings have not been confined to officials in the Obama administration. Former national security officials, including Michael Chertoff, Michael McConnell, Paul Wolfowitz, Michael Hayden have written that the cyber threat ''is imminent and . . . represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago.'' They have urged us to protect the ''infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines, and financial networks'' with appropriate cyber security standards.

Similarly, in a letter to our colleague, Senator JOHN MCCAIN, GEN Keith Alexander, the commander of U.S. Cyber Command and the Director of the National Security Agency, wrote:

> Given DOD reliance on certain core critical infrastructure to execute its mission, as well as the importance of the Nation's critical infrastructure to our national and economic security overall, legislation is also needed to ensure that infrastructure is sufficiently hardened and resilient.

The threats to our infrastructure are not hypothetical; they are already occurring. For example, while many of the details are classified, we know multiple natural gas pipeline companies have been the target of a sophisticated cyber intrusion campaign that has been ongoing since December of last year.

The cyber threat to our critical infrastructure is also escalating in its frequency and severity. According to DHS's Industrial Control Systems Cyber Emergency Response Team, last year, almost 200 cyber intrusions were reported by critical infrastructure owners and operators. That is nearly a 400-percent increase from the previous year, and these are only the intrusions that have been reported to the Department of Homeland Security. Many go unreported and, even worse, many owners are not even aware their systems have been compromised.

What would a successful cyber attack on our critical infrastructure look like? We have just seen recently what a serious storm that leaves more than 1 million people without power can cause: the loss of life, the blow to economic activity, the hardship for the elderly, the nonworking traffic lights that resulted in accidents. Multiply that impact many times over if there were a sustained cyber attack that deliberately knocked out our electric grid.

The threat is not just to our national security but also to our economic edge, to our competitiveness. The rampant cyber theft targeting the United States by countries such as China has led to the ''greatest transfer of wealth in history,'' according to General Alexander. You have heard many of us use his quote. Let me give some specifics of his estimates. He believes American companies have lost about $250 billion a year through intellectual property theft, $114 billion to theft through cyber crime, and another $274 billion in downtime the thefts have caused.

In their op-ed earlier this year, former DNI McConnell, former Homeland Security Secretary Chertoff, and former Deputy Secretary of Defense Bill Lynn warned that the cost of cyber espionage and theft ''easily means billions of dollars and millions of jobs.'' The threat of a cyber attack doesn't just go to our national security, critical though that is. It also directly is a threat to America's ability to compete, to our economic edge.

In recent years, a growing number of U.S. firms, including sophisticated firms such as Google, Adobe, Lockheed Martin, RSA, Sony, NASDAQ, and many others have been hacked by malicious actors. Earlier this month, the security firm McAfee released a report on a highly sophisticated cyber intrusion dubbed ''Operation High Roller,'' which has attempted to steal more than $78 million in fraudulent financial transfers at at least 60 different financial institutions.

Trade associations have been attacked too. The Chamber of Commerce was the victim of a cyber attack for many months, blissfully unaware until informed by the FBI that its membership data was being stolen. The evidence of our cybersecurity vulnerability is overwhelming. It compels us to act.

Yesterday 18 experts in national security strongly endorsed the revised legislation we have introduced. The Aspen Homeland Security Group, made up of officials from both Republican and Democratic administrations and chaired by former Secretary Chertoff and former Congresswoman Jane Harman, urged the Senate to adopt a program of voluntary cybersecurity standards and strong positive incentives for critical infrastructure to implement those standards. This group called for action on our bill, saying:

> The country is already being hurt by foreign cyber intrusions, and the possibility of a devastating cyber attack is real. Congress must act now.

Mr. President, you have heard some Members of this body say that somehow this process has been rushed or the bill inadequately considered. Nothing could be further from the truth. Since 2005—7 years ago—our Homeland Security and Governmental Affairs Committee alone has held 10 hearings on cybersecurity. Other Senate committees have also held hearings, for a total of 25 hearings since 2009, not to mention numerous briefings the Presiding Officer and Senator MIKULSKI of Maryland have helped to convene—classified briefings—for any Member to attend.

In 2010, Chairman LIEBERMAN, Senator CARPER, and I introduced our cybersecurity bill, which was reported by our committee later that same year. As I indicated, we have been working with Chairman ROCKEFELLER to merge our bill with legislation he has championed, which was reported by the Commerce Committee. We have also worked very closely with Senator FEINSTEIN, an expert on information sharing.

The bill we are urging our colleagues to proceed to today is the product of these efforts. It also incorporates substantial changes based on the feedback from the private sector, our colleagues, and the administration.

This new bill is a good-faith effort to address the concerns raised by Members on both sides of the aisle by establishing a framework that relies upon the expertise of government and the innovation of the private sector. It improves privacy protections that Americans expect from their government.

It also reflects many concepts proposed by Senators KYL, WHITEHOUSE—the Presiding Officer—BLUNT, COATS, GRAHAM, MIKULSKI, BLUMENTHAL, and COONS. We have revised our bill in a very substantial way. We have abandoned the approach—which I still believe to be a good idea—of mandatory standards and, instead, have adopted a voluntary approach to standards. This is a significant change from our initial bill, and it was one that was promoted by Senator KYL's and Senator WHITEHOUSE's group.

The new version encourages owners of critical infrastructure to voluntarily adopt the cybersecurity practices in exchange for various incentives for entities complying with these best practices. This was also one of the primary recommendations of the House Republican Cybersecurity Task Force.

These incentives include liability protection against punitive damages. I, for one, am open to making that a more robust liability protection. They include the opportunity to receive expedited security clearances, eligibility for prioritized technical assistance from the government, and access to timely cyber threat information held by the government.

These major changes from the approach we initially proposed demonstrate our willingness to adopt alternatives recommended in good faith by our colleagues, and we are still open to changes to the bill.

Our bill also includes strong information-sharing provisions that promote voluntary information sharing within the private sector and the government, while ensuring that privacy and civil liberties are protected. And again, we incorporated some suggestions from the Democratic side of the aisle to strengthen these provisions.

To be sure, more information sharing is essential to improving our understanding of the risks and threats. But let us be clear: More information sharing, while absolutely essential, is not sufficient to ensure our Nation's vital, critical infrastructure is protected. If you survey the vast majority of experts in this field, they will tell you that to pass a bill that only provides for more information sharing does not begin to accomplish the job that must be done

to better secure our Nation from this threat.

With 85 percent of our Nation's critical infrastructure owned by the private sector, government obviously must work with the private sector. Our bill—both our original bill and our revised bill—has always envisioned a partnership between government and the private sector. We have a very stringent definition of what constitutes covered critical infrastructure. It is infrastructure whose disruption could result in truly catastrophic consequences.

What do I mean by that? I am talking about mass casualties or mass evacuations or severe degradation of our national security or a serious blow to our economy. That is the kind of disruption we are talking about. Obviously those who have claimed that every company or every part of our infrastructure is going to be considered as critical infrastructure have not read the definition in our bill.

But here is more evidence of why we must act. A study done in 2011 by the computer security firm McAfee and CSIS revealed that approximately 40 percent of the companies surveyed—the critical infrastructure companies—were not regularly patching and updating their software, despite the fact these safeguards are among the most basic and widely known cybersecurity risk mitigation practices. We have even found reports where companies haven't bothered to change the default password that came with the industrial control software. In many cases, the control devices used to operate our Nation's most critical infrastructure are inherently insecure.

A Washington Post special report last month noted that security researchers found six out of seven control system devices are ''riddled with hardware and software flaws,'' and that ''some included back doors that enabled hackers to download passwords or sidestep security completely.''

Another front-page story in the Post earlier this month highlighted the fact that as technological advances have allowed everyone from plant managers to hospital nurses to control their systems remotely via the Internet, these vital systems have become even more vulnerable to cyber attacks. To prove the point, the story described how a security researcher was able to easily steal passwords from a provider that connects millions of these systems to the Internet.

These examples illustrate that far too many critical infrastructure owners are not taking even the most basic measures to protect their systems, and this is simply dangerous and unacceptable to the security of our country. These basic practices need not be expensive. In most cases, they are not expensive. And I will tell you, they are a lot less costly than the consequences of a breach, not to mention a major cyber attack.

A recent report by Verizon, the Secret Service, and other international law enforcement agencies analyzed 855 data breaches and found that 96 were not difficult to pull off and 97 percent of them could have been prevented through fairly simple and inexpensive means.

The point is, we must act, and we must act now. We cannot afford to wait for a cyber 9/11 before taking action on this legislation.

In all the years I have been working to identify vulnerabilities facing our country in the area of homeland security, I cannot identify another area where I believe the threat is greater and that we have done less.

I urge my colleagues to listen to the wisdom of former Homeland Security Secretary Michael Chertoff and former NSA Chief General Hayden. They wrote the following:

> We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when ''cyber 9/11'' hits—it is not a question of ''whether'' this will happen; it is a question of ''when.''

And this time all the dots have been connected. This time we know that attacks are occurring against our Internet systems and cyber systems each and every day. This time the warnings from all across the board are loud and clear. I urge our colleagues to heed these warnings and to support the motion to proceed to the cybersecurity bill.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my dear friend, the ranking member on the Homeland Security Committee, for her excellent and thoughtful statement. I thank Senator ROCKEFELLER, the chair of the Commerce Committee, for his compelling statement on behalf of proceeding and, of course, on behalf of the underlying bill. I think these two statements set the table for the debate that will follow in the next several days.

Within the next day or two, certainly no later than Friday, we will vote on the motion to proceed to the Cybersecurity Act of 2012. I appeal to our colleagues to come together across party lines and vote to proceed, as a way of saying that we recognize exactly what Senator ROCKEFELLER and Senator COLLINS have said: We have a problem here. We are vulnerable to cyber attack. It is not just speculative. We are being attacked. We are being robbed every day through cyberspace. And we are not adequately defended. It is as simple as that.

Part of the problem, as my colleagues have said, in the challenge is that 80 to 85 percent of our critical infrastructure in this country is privately owned. That is the American way. That is the way it ought to be. But that privately owned infrastructure is vulnerable now to attack by our enemies, and we have to work together—public and private owners, Republicans and Democrats, liberals and conservatives, Americans all—to figure out a way to say to the private owners of critical cyber infrastructure, You have got to do more to protect our security, to protect our prosperity. And that is what this bill is all about.

My colleagues have described the challenge, the inadequacy of the current defenses, the work that has been done on our bill, the compromises that have been made all along the way. I thank the Presiding Officer, the Senator from Rhode Island, Senator WHITEHOUSE, and Senator KYL from Arizona and the others who worked on a bipartisan basis to help us find common ground.

This question of cybersecurity is, again, a test of whether this great deliberative body still has the capability to come together and solve our Nation's most serious problems.

We had a couple of votes today. I suppose some people could say they were show votes. I took them seriously. But they all involved the terrible fiscal shape our country is in, $16 trillion in national debt. Earlier in my life I couldn't believe we could come to this point. And why have we? Because we haven't been willing to make tough decisions. We haven't been willing to work across party lines to do some things that might be politically controversial to fix a problem we have. So the problem gets tougher and tougher to fix. This is another one.

Usually, even in the most partisan and ideologically rigid times, when it comes to our national security we put our party labels aside and our party loyalties aside, and we have acted based on our loyalty to our country—to the oath of office we took to protect and defend not our ideology or our party but to protect and defend the Constitution of the United States, our freedom. That is as much in jeopardy from cyber attack as any other source of threat to our country.

I appreciate the opening statements that have been made. I am actually very optimistic about the vote on the motion to proceed that will occur in the next day or two, and I am increasingly hopeful we are going to pass, before we break for August, a strong cybersecurity bill. It is not going to be the bill Senator COLLINS, Senator ROCKEFELLER, Senator FEINSTEIN, and I started out with. We have compromised along the way.

I have in my office in a very prominent place a picture of two of Connecticut's representatives to the Constitutional Convention, Sherman and Ellsworth. I have it there because these two were the creators, the source of the so-called Connecticut Compromise. Some people erroneously refer to it as the Great Compromise. The correct title is the Connecticut Compromise. This was the conflict between the States that had a lot of population and the smaller States, how were they going to be represented in this new Congress. Sherman and Ellsworth came up with a great compromise: We will

have one body—the Senate—where every State has two representatives, and another body—the House—where you are represented by population.

I always like to say to people, the very institution we are privileged to be Members of was created as a result of a compromise. Generally speaking, in this Congress—which represents 310 million people, extraordinarily diverse in every way—you can't succeed here, we can't get things done if people say, I must get 100 percent of what I want on this bill or I am going to vote against it.

That is the way we have felt and that is why we have compromised, particularly because of the urgency of the cyber threat, which is real, present, and growing.

Senator COLLINS and I have felt very strongly, we want to get something started. It can't just be anything, it has to be real. S. 3414 is real. It will be effective. The standards are no longer mandatory, but there are enough incentives in here. And the very fact that there will be standards, private sector generated but approved by a governmental body, I think will create tremendous inducements—yes, maybe even pressure—on CEOs and private operators of critical cyber infrastructure to adopt those standards and implement them in their business or else, God forbid, in case of attack, they will be subject to enormous, probably a corporation-ending, liability.

I am very encouraged, thanks again to a lot of good work done by a lot of people, that we have started today, the lead sponsors of the other bill, SECURE IT, the lead sponsors of this bill, the Cybersecurity Act of 2012, and the group that has been working so hard, a bipartisan group, to bring us together. We did come together today. We are going to meet again tomorrow morning, and I think we are involved in a collaborative process that will not only lead to the passage of cybersecurity legislation this year that will be effective to protect our national security and prosperity but will in its way prove to the American people that we are still capable here in the Senate of coming together across party lines to fix a problem—in this case, to protect our great country.

With that, and knowing we will be back tomorrow, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I plan to speak on cybersecurity tomorrow. I thank Chairman LIEBERMAN, Chairman ROCKEFELLER, Chairman FEINSTEIN, and Senator COLLINS for their work on this very important issue, and also all the other Senators who have worked so hard on this, including the Presiding Officer.

I ask unanimous consent to speak this evening as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING THE VICTIMS OF AURORA, CO

Mr. FRANKEN. Mr. President, I rise today to talk about loss. I know I speak for all Minnesotans when I say how shocked and saddened we have been by the loss of life in Colorado. Our hearts go out to the families and friends of those who died, and to those who were wounded in that massacre. Anyone who has watched reports can only feel outrage or profound sadness.

So many of those who died were so young. A number died so heroically, shielding a loved one from the madman's bullets. So much grief, so much suffering is unspeakable. The one hopeful lesson we can draw from this tragedy comes from the stories of courage and selflessness we have heard about those who were in the theater, the first responders, and the outpouring from the community of Aurora and the rest of the Nation.

Minnesota unfortunately has also seen its share of senseless violence. It is something no State is immune to. Hopefully, out of this tragedy we can draw lessons that will make these kinds of tragedies far less common.

REMEMBERING TOM DAVIS

Today I come to the floor to talk about a personal loss to me and to so many of his friends and family and fans—a Minnesotan who brought so much laughter and so much joy to his fellow Minnesotans and to millions and millions of Americans. My friend Tom Davis died last Thursday after he was diagnosed 3 years ago with cancer.

I had the privilege to be Tom's comedy partner and best friend for over 20 years. We started working together in high school in Minnesota and did standup together for years, and were among two of the original writers for ''Saturday Night Live.''

I spoke with Tom's mom Jean last Thursday, not long after Tom died. She told me how fondly she remembered the laughter that came from the basement when Tom and I started writing together in high school over 40 years ago. That is what I remember about Tom, his laughter.

I last saw Tom about 2 weeks ago at his home in Hudson, NY. Dan Aykroyd, who collaborated so often with Tom, was there too with his wife Donna and Tom's wife Mimi. We laughed and laughed.

Tom's humor was always sardonic, and as you might expect, it was a little more sardonic that day than usual. But his humor also had a sweetness about it. We laughed. But Tom told us that he was ready to go. He faced death with great humor and courage.

Tom created laughter. The obituary cited Tom's body of work—some of it. He and Dan Aykroyd created the Coneheads. Tom was the key collaborator with Bill Murray on Nick the Lounge Singer, and on and on and on. This started an outpouring of blogging on the Internet—people writing about Tom and the laughs he brought them. I was happy to see him get his due. People called him an original. He was. They called him a brilliant comedian. He was.

Since last Thursday, I have been hearing from our friends and colleagues, how Tom's voice was unique, how so often his stuff came seemingly from out of nowhere, how Tom had come up with the biggest laugh of the season in the rewrite of this sketch or that one or how Tom had been the first to nail Ed McMahon's attitude when he and I did Khomeini the Magnificent, and how Tom was such a loyal and generous friend.

People would always ask me and Tom what our favorite moment was from ''Saturday Night Live.'' We worked on so many sketches that it was impossible to single anything out. Both of us would always say our favorite memory was rolling on the floor—the 17th floor at 30 Rock—rolling on the floor, laughing at 2:00 in the morning or 3:00 in the morning at something that someone wrote or at a character someone had just invented. This was that moment of creation. There was the laugh at whatever it was that one of us had come up with, combined with the joy that you knew you had something.

This is your job. Woody Allen once said that writing comedy is either easy or impossible. When it is impossible, it can be agony. When it is easy, when you are laughing and rolling on the floor—literally, when Danny, Billy, Belushi, Gilda, Dana Carvey, Jim Downey, Conan O'Brien, or Steve Martin or any of the many hilarious people whom we had the privilege to work with would come up with something that made us explode with laughter and roll there on the 17th floor, that was just pure joy.

Tom was an improvisational genius. The first public stage we performed at was Dudley Riggs' Brave New Workshop in Minneapolis. Dudley's was essentially the Minneapolis version of Second City, based on the same improvisational techniques. When Tom and I were in high school, we did standup there. But while I went off to college, Tom joined the company at Dudley's, and when I came back, I saw that he had mastered improv and mastered it hilariously.

Now, as a writing team, Tom and I brought different strengths to our craft. Sometimes we would get stuck, and Tom would find an object. The third year of SNL, Tom and I were watching TV, and we saw Julia Child cut herself while doing a cooking segment on, I believe, the ''Today Show.'' So we wrote a sketch that Danny performed brilliantly that is now known as ''Julia Child Bleeding to Death.'' The sketch worked so well that when they installed the Julia Child exhibit at the National Museum of American History, in addition to her TV kitchen set—I believe this was at her insistence because she loved it so much—they included a monitor with the sketch of her bleeding to death on ''Saturday Night Live.''

When Tom and I were writing the sketch, we could not find an ending, and Tom found an object—the phone. The phone hanging on the wall of Julia Child's cooking set. I don't actually

think there was one; Tom just found it. That is something improv artists do when they are on the stage, they find objects to work with. So Danny, as Julia Child in the sketch, is spurting blood, and Julia is trying everything to explain how to make a tourniquet out of a chicken bone and a dish towel or how to use chicken liver as a natural coagulant, and nothing is working. She is losing blood. So, in desperation, she sees the phone on the wall, and turning to it, she says, ''Always have the emergency number written down on the phone. Oh, it isn't. Well, I know it. It's 911.'' She dials 9–1–1 and realizes it is a prop phone and throws it down sort of in disgust and starts to get woozy and rambles on about eating chopped chicken liver on Ritz crackers as a child. Finally she collapses, and as she is about to die, she says, ''Save the liver.''

It was a tour de force by Danny. When I was with Danny and Tom a couple of weeks ago, we started talking about this somehow, and Danny says he remembers me there under the counter pumping the blood. Only I wasn't the one pumping the blood; it was Tom. I remember that was something of a union issue because that is a special effect, pumping blood, pumping the blood to get exactly the right pressure so that Danny could release the spurts at precisely the right time.

Now, every once in a while, the special effects guy or the sound effects guy would let a writer do the effects because it was all about the comedic timing. Also, they liked Tom. Everybody liked Tom. The special effects guy knew that Tom knew exactly what to do, and it was all about teamwork with Danny, who was also controlling the spurting when Tom was controlling the pressure. Man, it was hilarious.

Now, this is live TV. We did hundreds and hundreds of sketches together, a lot of stuff that was just so stupid that it was funny. We just had so much fun. Tom and I toured together all over the country. I told Senator MIKE JOHANNS, my colleague and friend from Nebraska, that Tom and I played Chadron State twice. And last week we had a witness in Judiciary whom Senator SESSIONS introduced from Anniston, AL, where Tom and I played. We did a gig to six students in Huron, SD, because they booked us by mistake during spring break and there were just six students there. There were five members of the basketball team who couldn't afford to go back east for the break. The sixth guy had been grounded because he had gotten caught smoking pot freshman year and they wouldn't let him leave campus except during summer vacation. I think this was his junior year. I think Tom and I played 45 States.

When we flew, we always booked ourselves in aisle seats across from each other, C and D seats, so we could talk to each other. Tom would always get on first and find our row, and if there was a pretty girl in the middle seat of one side, he would sit next to her, and I would sit next to the fat, sweaty guy in the mesh shirt, which, by the way, I think should not be allowed on planes. I plan to introduce legislation on that.

This went on for years. Tom would board first, get to a row, and take the aisle seat next to an attractive woman or quiet-looking, slender man, and I would sit next to the large loud guy who looked like he wanted to talk through the entire flight. I thought, what a coincidence, Tom's aisle seat is always next to the more desirable seatmate. Finally I checked my ticket stub, and I saw that Tom had taken my seat. That is when I realized he had been doing this for years. He said: Yeah, I was just waiting for you to figure it out. Now, I really had to blame myself. Tom had played me, and it was my fault for being a kind of trusting idiot.

Tom saved my butt on occasion. We used to go camping and fishing up in the Boundary Waters of the wilderness area between northern Minnesota and Canada. Tom was expert with a canoe, and I wasn't. I really wasn't. Once, we went up there in October. It was kind of cold, but we were catching a lot of walleye and having a great time. There were three of us—me, Tom, and our friend Jeff Frederick. We had put in for just one canoe.

On the third evening I decided to fish from this point near our campsite on this island. I cast out and got my line caught in something, so I decided to go out alone in the canoe and untangle the line. So I am paddling out, and I get caught in this current and start getting carried away from the island we were camped on, and I start calling for help. Now, we are in the Quetico wilderness in Canada in October. We had not seen another human being in the 3 days we had been there. So Tom and Jeff come running and yelling and cursing at me because if I didn't make it back with the canoe, they were pretty much stuck on this island for the winter, and I am probably dead because I have no gear, nothing, just the paddle, which isn't doing me any good at this point. This is where Tom's improvisational skills came in really handy because he talked me back. He was screaming and cursing, but he talked me out of the current that was carrying me away to my certain death, and I was able to circle back and get to the point—exhausted but so relieved. Maybe that is why I cut him some slack when he played me on the aisle seats years later.

Now, speaking of cold, Tom and I were huge Vikings fans. We would go to the old Metropolitan Stadium during the Bud Grant years when Grant would not allow heaters on the side lines even when it was below zero. I once asked Bud Grant why he did that, and he said: There are certain things people can do when they are cold.

Tom and I were there on a very cold winter afternoon at the Vikings-Cowboys playoff game, the one where Roger Staubach threw the Hail Mary that Drew Pearson pushed off on and caught for a touchdown—and he did push off. Senator HUTCHISON and Senator CORNYN need to go back to the videotape. Drew Pearson pushed off. It was offensive pass interference, and the Vikings should have won that game and gone to the Super Bowl. That is how I saw it, that is how Tom saw it, and that is how the fan who threw the whiskey bottle from the bleachers and knocked the ref out saw it. Tom and I both saw the bottle glinting in the cold winter Sun as it arced from the bleachers. We were stunned when it hit the ref right in the forehead. That was not Minnesota nice.

Tom and I suffered through four Super Bowl losses and through last season. As sick as he was, Tom watched our Vikings and complained bitterly to me on the phone later on Sunday.

Tom and I went to a lot of Grateful Dead shows together—more than even Senator LEAHY. Tom and I went to a lot of New Year's Eve Dead shows. This year I went up to New York to celebrate New Year's with Tom and Mimi at their home. We knew this would probably be his last, and at midnight we turned on the Dead and we danced.

Now, unlike me, Tom became an accomplished guitarist, and he could sit in with rock or blues bands. Tom was a terrible student in high school, but the fact is he was a renaissance man. He loved to read history, philosophy, and fiction. He devoted a lot of his last years to his art, sculpting solely from found objects from the creek that ran by his house in upstate New York.

Tom was an original. Some time ago, Tom and I talked about writing something for this occasion, but about a year or so ago he wrote a piece for a literary magazine that, to me, said what needed to be said. It was Tom and his take on what he was facing. It is called ''The Dark Side of Death.'' I decided to read from it, with a few edits for the Senate floor, and I ask that the piece in its entirety, with some other edits, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. FRANKEN. ''The Dark Side of Death'' by Tom Davis.

The good news: my chemotherapy is working and I'm still buying green bananas. I've lost about 50 pounds. (I need to lose 49.) . . . False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at that.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We are all going to try it sometime.

Fortunately for me, I have always enjoyed mystery and solitude.

Many people in my situation say, ''It's been my worst and best year.'' If that sounds like a cliche, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept ''that over which I have no control,'' I had to turn inward. People from all over my life are reconnecting with me, and I've tried to take responsibility for my deeds, good and bad.

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improvising. I've never done this before, so far as I know. Ironically, I will probably outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

Tom faced death with humor and courage.

Rest in peace.

EXHIBIT 1

THE DARK SIDE OF DEATH

(By Tom Davis).

The good news: my chemotherapy is working and I'm still buying green bananas.

The bad news: two years ago, before we knew it as MDD (Michael Douglas Disease), I was diagnosed with tonsorial squamous cell carcinoma, a/k/a head and neck cancer. After surgery, I elected to go with radiation therapy sans complementary chemo, which was probably a big mistake. The malignancy unexpectedly spread to the bones of my pelvis and lower spine, where it has been munching away without thought of its host's well-being. It's now described as ''exotic and aggressive,'' but it's getting its cancerous ass kicked by taxotere, a drug that imitates the chemistry of the European Yew tree. Made in China, of course. I'll be using it, or a related drug ''for the rest of my life,'' which could be as long as two more high-quality-of-life years. I'd be thrilled with that.

There are side effects, the two weirdest being a ''recall effect,'' in which radiation sores reappear, and neuropathy in my fingernails, which are in the unpleasant process of falling off. Ow. I've lost hair from all over my body. With only a little bit of white fluff on my head, I visited my mother, who suffers from Alzheimer's disease in Minneapolis.

''Now I want you to take all your medicine and your hair will grow back,'' she said cheerfully. ''I think you look a little like that bird Woodstock in Peanuts.'' I'll take that; better than Uncle Fester.

My old comedy partner (Senator) Al Franken, volunteered to draw my hair back on with a magic marker, which would be funny for about two days. We're planning to write something for him to read once I deanimate, the final Franken and Davis piece. We'll see. Typically, we would wait until the last minute.

I've lost about 50 pounds. (I needed to lose 49.) It's great to wear jeans from the 70s, although I remember making a few people laugh when I said I would save them in case I got cancer. Once, in the early eighties, Franken and Davis appeared on the David Letterman Show as ''The Comedy Team that Weighs the Same,'' a piece so stupid it was really funny. We dressed in bathrobes and Speedos for the final weigh-in on a huge scale. David asked if any other comedy team had weighed the same, and I said ''Laurel and Hardy, but only near the end of Ollie's life,'' which got a good groan laugh. Maybe I tempted fate a little too often.

My grocer at the Claverack Market, Ted the Elder, recently asked if I had heard that there are two stages in life: ''youth,'' and ''you look great.'' Wish I'd thought of that.

Several close friends have asked if I was aware of alternative medicines, therapies, protocols, doctors, clinics, and books. One offered personal testimony. His colon cancer was supposed to have killed him several years ago. He attributes his survival to an exclusive diet of blueberry smoothies.

My fear is not death; my fear is spending my last years slurping blueberry, whey and soy powder shakes in a rock star hospital in Houston, surrounded by strangers. No.

False hope is my enemy, also self pity, which went out the window when I saw children with cancer. I try to embrace the inevitable with whatever grace I can muster, and find the joy in each day. I've always been good at that, but now I'm getting really good at it.

I wake up in the morning, delighted to be waking up, read, write, feed the birds, watch sports on TV, accepting the fact that in the foreseeable future I will be a dead person. I want to remind you that dead people are people too. There are good dead people and bad dead people. Some of my best friends are dead people. Dead people have fought in every war. We're all going to try it sometime.

Fortunately for me, I have always enjoyed mystery and solitude.

Many people in my situation say, ''It's been my worst and best year.'' If that sounds like a cliché, you don't have cancer. On the plus side, I am grateful to have gained real, not just intellectual empathy. I was prepared to go through life without having suffered, and I was doing a good job of it. Now I know what it's like to starve. And to accept ''that over which I have no control,'' I had to turn inward. People from all over my life are reconnecting with me, and I've tried to take responsibility for my deeds, good and bad. As my friend Timothy Leary said in his book, Death by Design, ''Even if you've been a complete slob your whole life, if you can end the last act with panache, that's what they'll remember.''

I think I've finally grown up.

It is odd to have so much time to orchestrate the process of my own death. I'm improvising. I've never done this before, so far as I know. Ironically, I probably will outlive one or two people to whom I've already said goodbye. My life has been rife with irony; why stop now?

As an old-school Malthusian liberal, I've always believed that the source of all mankind's problems is overpopulation. I'm finally going to do something about it.

The PRESIDING OFFICER. The Senator from Iowa.

THE FARM BILL

Mr. GRASSLEY. Mr. President, the Senate passed a farm bill a few weeks ago—a pretty good farm bill. The House Agriculture Committee has reported out of its committee a farm bill, and now the discussion of whether we have a farm bill is a decision to be made by the leadership of the House, of whether a farm bill should come up. So I wish to speak about the necessity of a farm and nutrition bill being passed.

It is called a farm and nutrition bill because about 80 percent of a farm bill's expenditures are related to the food stamp program. If we can get this bill completed and to the President's desk, it will be the eighth farm bill I have had a chance to participate in.

Every 5 years or so, Congress debates, changes, argues over, and ultimately passes a farm and nutrition bill—not always of that title but pretty much of that content. This time should be no different. We need to get the job done. I understand there are folks who want to see more cuts here or there, and there are folks who want to spend more here or there. Those are very important discussions to have. We should have a healthy debate on how to tweak, reform, and reshape the policies in the bill, whether it is in regard to programs affecting farmers or the portion of the bill that receives the overwhelming share of the dollars, as I said, the nutrition title.

We had those debates in the Senate Agriculture Committee. We had those debates on the Senate floor. The House Agriculture Committee has had those debates. Now I hope their product can be brought up on the Senate floor. In fact, I am more than happy to debate these various issues with some of my friends on the House Agriculture Committee—why setting high target prices, as they did, is the wrong direction for Congress to take and how the House should adopt the payment limit reforms the Senate has embraced, provisions of the farm bill in the Senate that I got included. I am sure many on the House Agriculture Committee would be more than happy to debate with me the merits of having a more balanced approach to where we find savings in the bill by taking an equal portion from the nutrition title and the farm-related titles. We should find more savings for sure than what is contained in the Senate-passed farm bill, including saving more out of the nutrition title, as the House Agriculture Committee has been able to do.

But the fact is we have to keep moving the ball forward, regardless of how we feel about all these separate parts of a farm bill. We need to get to finality. We have a drought gripping this Nation and that is going to be tough on Americans. It is going to affect every American, not just the 2 percent of the people who are farmers, because it is going to cause food prices to go up. But the drought has drawn into focus just how important our farmers are to our food supply.

Americans enjoy a safe and abundant food supply. That is because of the hard work and dedication of so many farming families throughout our country. Sometimes weather conditions or other events outside farmers' control can make it difficult to keep farming. Farmers aren't looking for a handout, but when faced with conditions such as a near-historic drought, many farmers may need assistance to get through. Men and women go into farming for all sorts of reasons, but at the heart of farming is the desire to be successful at producing an abundant crop to feed the Nation and the world.

Farmers have many tools to manage their risks so they can keep producing food. They have adopted advanced

technology such as drought-resistant crops. Farmers buy crop insurance. In my State of Iowa, about 92 percent of the farmers have crop insurance. Livestock farmers help animals manage heat by building climate-controlled buildings. But when faced with weather conditions such as we are currently dealing with, even the best laid plans may not keep the farming operation afloat. That is where the Federal Government comes in. We help provide a safety net.

Let me say just how that drought affects crops. I just read in the newspaper something put out by some government agency that said about 55 percent of the landmass of the United States is in a drought condition right now. In my State of Iowa and many other Midwestern States, on an average of about 22 years, we face drought situations that are catastrophic for crops. Actually, the last one was in 1988, so now we are having one in my State of Iowa and that is 24 years. But, on average, it happens about that long. So we see the need for something that is beyond farmers' control. We can't do anything if it doesn't rain when it is supposed to rain, and right now is one of those most important times when crops need rain. So why do we provide the safety net? Because the American people understand how important the production of food is to our food supply and farmers doing that production.

It is a matter of national security. It has been said we are only nine meals away from a revolution. If people were without food, this argument goes, they would do whatever it takes to get food for themselves and their families. It has only been 3 years, I believe, in some places in the world where they had riots that were national problems—not just local problems but national problems—because of a shortage of rice. That is a staple in many countries; I suppose particularly of Asia. So we have to have a stable food supply if we are not going to have social upheaval.

The need for food can also be illustrated by looking at military history. In other words, a food supply is very important for our national security. It may be a joke, but Napoleon supposedly said ''an army marches on its stomachs.'' But we also know from modern history, if we consider World War II on this very day, 60 or 70 years after World War II, why the Japanese and the Germans protect their farmers so much with safety nets of various sorts. Because they know what it was like during wartime not to have adequate food as a part of national security. A well-fed military is one ready to fight and to defend.

There is nothing more basic than making sure the Nation's food supply is secure, whether it is to prevent social upheaval or for our national security or maybe for a lot of other reasons. In order to have stability in our food system, we need to have the safety net available to assist farmers through the tough times so they can keep producing food.

I have not always agreed with the policies set in each and every farm bill Congress has passed—of the eight I have been involved in. In fact, there have been times in which I voted against individual farm bills because I didn't agree with the policy being set. However, I support, to a large extent, what we accomplished in the Senate-passed farm bill last month. Obviously, I didn't agree with everything, particularly with the lack of savings we captured from the nutrition title. But, for the most part, we passed a bill that embraced real reform in the farm program that still provides an effective safety net.

Whether it is the Senate bill that cut back $23 billion from the present farm program or whether it is the House bill that seems to cut back $35 billion, I will bet this is the only piece of legislation that can possibly get to the President's desk this year that is going to save money rather than if it had just been simply extended. I would think people who want to set a record of fiscal conservatism for the upcoming election would be very anxious to take up a bill the Congressional Budget Office says saves either $23 billion or $35 billion.

So I say mostly to the other body, because right now that is where the action is and where we hope it will take place, we should not delay any longer. The farm bill is too important to all Americans to leave it in limbo. We need to get a farm bill to the President. The farm bill is approximately 80 percent nutrition programs. Most of the people who benefit are not farmers. Then, the other 20 percent is a safety net for farmers but also for all the programs the Department of Agriculture administers.

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. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, before I go into the closing business, let me say I had the pleasure of presiding in this body during the remarks that were just made by the distinguished chairman of the Homeland Security Committee, Senator LIEBERMAN of Connecticut, the distinguished ranking member of that committee, Senator COLLINS of Maine, and the distinguished chairman of the Commerce Committee and, until recently, chairman of the Intelligence Committee, Senator ROCKEFELLER of West Virginia.

I simply want, briefly, to add my voice to theirs and echo the three points they emphasized: One, we absolutely must take action on cybersecurity; two, it is a genuine and undeniable matter of our American national security; and, three, we cannot claim to have done the job, we cannot claim to even have attempted the job seriously if we do not address the question of the critical infrastructure on which American life and our economy depend that is in private hands and, therefore, cannot be protected under the existing regime in place protecting our government and military networks. We have to solve that problem. Anything that does not solve that problem is a clear failure of our duty, as national security experts from Republican and Democratic administrations alike have very clearly explained.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SALLY RIDE

Mrs. BOXER. Mr. President, I know that you and all of our colleagues will want to join me today in paying tribute to Dr. Sally Ride, the first American woman to fly in space, who died peacefully on Monday at her home in San Diego, CA. Sally Ride was 61 years old.

Dr. Ride was a physicist, an astronaut, a science writer, and the president and CEO of Sally Ride Science, a nonprofit company dedicated to realizing her lifelong passion for motivating young people to stick with their interests in science and to consider pursuing careers in science, technology, engineering, and math.

Sally Ride was born and grew up in Encino, CA. As a young girl, she was encouraged by her parents to pursue her two passionate interests: science and sports. At Stanford University, she studied physics, astrophysics, and English literature while becoming the school's number one women's tennis player. When asked what had made her choose science over tennis, she joked, ''A bad forehand.''

In 1977, as she was about to complete her Ph.D. in physics, Sally read that NASA was looking for astronauts and, for the first time, was allowing women to apply. From a group of 8,000 applicants, NASA selected 29 men and 6 women—including Sally Ride—as astronaut candidates in January 1978. The following year, she qualified for assignment on a space shuttle flight crew.

On June 18, 1983, Sally Ride made history as the first American woman in space, part of a 147-hour mission aboard the shuttle *Challenger*. She later said, ''The thing that I'll remember most about the flight is that it was fun. In fact, I'm sure it was the most fun I'll ever have in my life.''

Sally Ride's historic space flight riveted the Nation and made her a household name—a symbol of women's ability to break barriers and achieve any goal, no matter how lofty. She immediately understood and appreciated her place in history, crediting the women's movement of the 1970s with paving her way into the space program.

Dr. Ride made another space flight in 1984 and was preparing for a third when the *Challenger* exploded shortly after takeoff on January 28, 1986. She served on the Presidential commission investigating the *Challenger* tragedy and worked at NASA headquarters as special assistant to the administrator before retiring from NASA in 1987.

After serving as a science fellow at Stanford's Center for International Security and Arms Control, Dr. Ride joined the faculty at the University of California, San Diego as a physics professor and director of the California Space Institute.

In 2001 she founded Sally Ride Science to create educational programs that entertain, engage, and inspire young people. She served on the President's Committee of Advisors on Science and Technology, the National Research Council's Space Studies Board, and the boards of the Congressional Office of Technology Assessment, the Carnegie Institution of Washington, and the NCAA Foundation.

Sally Ride pushed the limits of knowledge, courage, and accomplishment for all Americans, especially for girls and young women. As a pioneer in the final frontier of space, she showed millions of American girls that there was truly no limit on what they can do or where they can go.

On behalf of the people of California, who have been so moved and inspired by Sally Ride's life and legacy, I send my deepest appreciation and condolences to her partner of 27 years, Tam O'Shaughnessy; her mother, Joyce; her sister, Bear; her niece, Caitlin; and her nephew, Whitney.

CHRISTENING OF THE USS SOMERSET

Mr. TOOMEY. Mr. President, this Saturday, July 28, 2012, the U.S. Navy will perform a christening ceremony in New Orleans for the future USS *Somerset*. The USS *Somerset* is a special ship, bearing the name of the Southwest Pennsylvania county where United Airlines Flight 93 crashed on September 11, 2001.

On that infamous day, a group of defiant and determined Americans challenged a group of al-Qaida hijackers hell bent on crashing the plane into the U.S. Capitol, the White House, or another sensitive DC-area target. The terrorists' goal was not achieved, thanks to the bravery of the Americans onboard. We will never forget their actions in the face of horror.

The USS *Somerset* will serve as an ongoing emblem of their heroism as it races to the aid of our friends and defends American liberty against our foes. This ship also embodies the American spirit local Pennsylvanians demonstrated shortly after the crash, when they raised the Stars and Stripes atop a dragline near the crash site as an unforgettable symbol of our country's resolve during a time of national sorrow.

Wherever the USS *Somerset* goes, so will a piece of southwest Pennsylvania. The bow of the ship includes steel from the dragline adjacent to the crash site in Stonycreek Township, where it was a silent witness to an indelible act of American courage and strength in defiance of those who would do us harm.

I wish the U.S. Navy and the future crew of the USS *Somerset* safe travels and successful missions defending America and freedom worldwide.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. NEOSHA A. MACKEY

● Mr. BLUNT. Mr. President, today I wish to honor Neosha A. Mackey, who retired earlier this summer as dean of university libraries at Missouri State University after 27 years of service. During her years of dedicated service, Mackey oversaw the expansion of the Meyer Library to meet the needs of the academic community with improved access to local archives, manuscripts and photographs. The MSU library system also improved its access to other research materials with a Special Collections and Archives section available to internet users that was previously only accessible to view at the MSU Library.

Mackey started at Missouri State as the head of reference in 1985. Later she served as associate dean of library services, 1987–2009; acting dean, 1993–1995, and was appointed dean of library services in 2009.

During her tenure, the library enhanced services with a $28 million addition and renovation project. Mackey has also been a presence in the classroom teaching both undergraduate and graduate level courses while monitoring budgets and coordinating personnel matters. As Missouri State reached out to establish programs and classes for students in China, Mackey and her husband John took a leadership role in the development of those programs.

Mackey also directed an expansion of the Meyer Library's local archives and collections with a loan agreement to house, preserve, and provide access to manuscripts and photographs owned by The History Museum for Springfield-Greene County. The History Museum holds a comprehensive collection of photographs and personal documents capturing decades of history and changing cultures in Springfield and Greene Counties. The new campus location promises improved access for researchers and the general public as well as a safer climate- and temperature-controlled location for these priceless archives.

Before arriving at Missouri State, Mackey was at the Ohio State University from 1978–1985 as personnel librarian and head of the home economics library. She served as assistant to the dean, 1975–1977, and as head of the Parish Business Library, 1970–1975, at the University of New Mexico. Mackey has a bachelor of arts in economics and a master's in library science from the University of Oklahoma and an MBA from the University of New Mexico.

Mackey's achievements and her personal commitment to excellence have guided the Missouri State Library program to a place of national prominence. I thank her for her efforts and wish her well in her well-deserved retirement.●

2012 OLYMPIC GAMES

● Mr. SANDERS. Mr. President, I rise today to commend three Vermonters who will be representing the United States in the Olympic Games in London. One hundred years ago Albert Gutterson of Springfield, VT, won Olympic Gold in the broad jump. This year, Lea Davison, Trevor Moore and Andrew Wheating are the latest in a long line of Vermonters to compete in the world's most prestigious athletic competition.

Lea Davison won the first mountain bike race she ever entered when she was 17 years old. A native of Jericho, VT, Lea competed in cross country and was a Division I alpine ski racer at Middlebury College before becoming the youngest woman to join the professional mountain biking tour. Lea has become one of the dominant forces in professional women's mountain biking but still takes time to give back to the community, running a summer camp for girls from Vermont who are interested in cycling.

Trevor Moore began sailing with his father and brother at a very young age. When he moved to North Pomfret, VT, as a teenager his passion for competition led him to play for Woodstock Union High's tennis and soccer teams. At Hobart College, Trevor was an accomplished sailor and a three-time All American, in addition to being named the 2007 College Sailor of the Year. He will be competing with Erik Storck in the 49er category in London.

London will mark Andrew Wheating's second Olympic Games. He competed for the track team in the 800 meter race at the Beijing Olympics in 2008. Andrew is originally from Norwich, VT. Recruited by the University of Oregon, he was the NCAA champion in the 800 meters in 2009 and 2010 and in the 1600 meters in 2010. Andrew is renowned for his ability to come from behind in races and will be competing in the 1600 meters in London.

Vermont is proud of Lea, Trevor, and Andrew, and I and the citizens of my State wish them the best of luck at the 2012 Olympic Games.●

TRIBUTE TO DEREK MILES

● Mr. THUNE. Mr. President, today I wish to recognize Derek Miles of Tea, SD, who will compete in the 2012 Summer Olympic Games taking place in London, England. This will be his third consecutive trip to the Summer Olympic Games. Derek has a long history of success as a pole vaulter, including three U.S. National Championships, 10 years ranked in the top 10 in the U.S.—4 of which he has been ranked No. 1, and 6 years ranked in the top five in the world.

Derek is currently working as an assistant pole vault and jumps coach at the University of South Dakota where he graduated from in 1996 as a four-time NCAA Division II All-American with a bachelor's degree in history. Derek also earned his master's in athletic administration at the University of South Dakota in 1998 and was inducted into the Henry Heider Coyote Sports Hall of Fame in 2006. In addition to his personal accomplishments, Derek has coached multiple conference champions and organized the Miles Pole Vault Summit bringing the world's best pole vaulters to Vermillion, SD, in 2007.

Derek should be very proud of all his accomplishments. On behalf of the State of South Dakota, I am pleased to say congratulations on another Olympic qualification. We are very proud and wish you the best of luck.●

RECOGNIZING KENNESAW STATE UNIVERSITY

● Mr. ISAKSON. Mr. President, today I wish to acknowledge Kennesaw State University's annual Homelessness Awareness Week during the week of October 8–13, 2012, in my home State of Georgia.

I appreciate that Kennesaw State University coordinates activities throughout the month of October to raise awareness about homeless individuals in our society with events such as Homelessness Awareness Week. The designation of Homelessness Awareness Week will help to increase our knowledge and understanding of those living without shelter and food. The activities during this week will also educate Georgians on how to address and combat this unfortunate problem in our State. Ending homelessness is critical to upholding the vitality of families and sense of community in the State of Georgia. Groups, organizations, and institutions such as Kennesaw State University work to address this growing problem. I support and applaud their efforts and urge all citizens to become more knowledgeable about this problem and seek out ways to help alleviate this problem and its effects in our communities.●

TRIBUTE TO ED WALKER

● Mr. WARNER. The town of Big Lick was first established in 1852 and eventually became the city of Roanoke in 1884. Since its early days as a railroad hub, Roanoke has been an economic and cultural focal point for the western part of Virginia. Today, the New York Times recognized Ed Walker for his efforts in revitalizing Roanoke. For more than 10 years, Ed has worked to improve Roanoke by investing in historic structures and renovating them for residence, dining, and entertainment. Ed's work led to the creation of cultural programs, founded an innovative music center for young adults, and revitalized a once derelict downtown street.

Ed's investment in the community paid off. The hundredfold increase in downtown residents supported the opening of dozens of new businesses and increased demand for cultural attractions. By bringing residents and businesses closer together, Ed's projects have helped spur the Roanoke economy and brought new energy to the city.

Thanks to Ed's work, Roanoke serves as a model to similar communities across the Commonwealth. Roanoke was recognized recently as one of ''America's Most Livable Communities'' by the nonprofit Partners for Livable Communities. Ed created the CityWorks (X)po to bring together entrepreneurs, advocates, and developers from across the country to share ideas about renewing and improving cities such as Roanoke.

I would like to congratulate Ed Walker on his achievements and thank him for making the city of Roanoke a better place to work and live. I would ask unanimous consent that today's New York Times article be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 25, 2012]

VIRGINIA DEVELOPER IS ON A MISSION TO REVIVE HIS TOWN

(By Melena Ryzik)

ROANOKE, VA.—The Kirk Avenue Music Hall, a four-year-old club named for its downtown block here, offers an unexpected perk to its performers: an apartment. For a night or so, before or after gracing the stage, artists stay at no charge in a loft a block away, signing the guest book with notes of gratitude.

''We don't have money, we don't have fame, so hospitality is really critical,'' said Ed Walker, the club's landlord and a founder.

It is hard to miss Mr. Walker's brand of hospitality on Kirk Avenue. He owns nine of its storefronts, turning what was a forlorn block not long ago into a social destination. The music hall doubles as a microcinema and event space. There is Lucky, a restaurant run by a touring rock band that decided to stay put, and Freckles, a cafe and vintage shop with monthly craft nights, whose owner called Mr. Walker the town's Jimmy Stewart, a favorite son and guiding light.

It is hard to miss Mr. Walker in many corners of Roanoke, a valley town of 97,000 about four hours from Washington. Ringed by the Blue Ridge Mountains and for generations a successful rail hub, it now has a median income of about $35,000 and is trying to reinvent itself for a different economy: a medical school opened in 2010, and a bike shop is planning to move into the massive old transportation museum.

And Mr. Walker, 44, a former outsider-art dealer and a third-generation lawyer from a prominent local family, has emerged as a commercial developer with an unusual civic conscience. In less than a decade, he has bought more than a dozen disused historic buildings, renovated them and enticed people to live in them.

Thanks to Mr. Walker and other developers who followed suit, Roanoke's downtown has a livelier pulse, with nearly 1,200 residents this year, where once there were fewer than 10. Mr. Walker has made his spaces welcoming, handpicking chefs for restaurants and furnishing a pocket park with his children's swing sets. Coming attractions include a rock climbing gym.

With his wife, Katherine, and two young sons, he lives downtown himself and evangelizes about it to any visitor. Last fall he started what will be an annual conference in Roanoke, CityWorks (X)po, billed as exploring ''big ideas for small cities.''

''People think this is too good to be true,'' said Chris Morrill, the city manager. ''You have this developer who knows the finances, knows the law, knows how to do these historic renovations and is really committed to the community. It's real.''

Mr. Morrill added: ''When folks from other communities come in here and I show them some of the stuff that's Ed's doing, they're like, How can we clone this guy and bring him back to our community?' ''

Mr. Walker's conference is intended to share his blueprint for urban redevelopment, a field known as placemaking; he will study it at Harvard's Graduate School of Design this year, with a prestigious Loeb fellowship. But many towns already have their own version of Ed Walker, said Bruce Katz, a vice president at the Brookings Institution and founding director of the Brookings Metropolitan Policy Program, which focuses on cities. ''This is happening across the country,'' Mr. Katz said.

''What you're seeing is a group of vanguard developers and vanguard businesspeople who basically spot a trend and then double down or triple down with their own resources'' to buy property cheap, collaborating with like-minded leaders ''on the placemaking agenda,'' he said.

Examples abound: Mr. Katz pointed to changes in Buffalo and Detroit and plans by Tony Hsieh, the Zappos tycoon, to remake Las Vegas. ''It has been one or two people in particular cities taking the risk,'' he said.

''There's a profit motive for sure, but these are people committed to place,'' Mr. Katz added. ''This is no longer an idea or an aspiration. It's an out-and-out trend.''

In Roanoke, it started in 2002, when Mr. Walker began redeveloping Kirk Avenue. His first major residential renovation opened downtown in 2006, with million-dollar condominiums.

Old-guard Roanokers were quickly convinced that downtown was livable when Mr. Walker sold one of the first to Warner Dalhouse, a retired bank chairman, and his wife, Barbara, who use it as a Southern pied-à-terre. At 4,800 square feet, it is larger than their lake house nearby. ''We wanted it to look like a New York loft, and it does,'' Mr. Dalhouse said.

Mr. Walker's company converted an old cotton mill and a department store into apartments, some at the low end of market rates and some at the top. The next units will be in a former ice house on the Roanoke River, where the city's first waterfront restaurant will open.

Last year, after a $20 million renovation, the company reopened the Patrick Henry,

once one of Roanoke's grandest hotels; its disrepair had taken a toll on civic pride. Now it once again has an elegant lobby, complete with a bar. Some of its 132 apartments are leased by a nearby nursing school for its students.

The building also houses the Music Place, an FM radio station that Mr. Walker bought last year just before it was forced to change formats. With its mix of indie, country and folk—and thrice-weekly interviews with community leaders—it fit with his notion to give Roanoke the feel of, as he grinningly puts it, a funky college town.

The radio station is just breaking even. The conference lost money, but Mr. Walker will hold it again—it ''succeeded on a human level,'' he said. Otherwise, he is adamant that his projects must serve the bottom line.

He is keen to talk financing—Virginia has generous tax credits for historic renovation, so he helped get a landmark designation for the Wasena neighborhood, where his river project is—in hopes that it will teach others to follow in his footsteps as social entrepreneurs. ''Roanoke is a really good small-city laboratory,'' he said.

Mayor David Bowers praised Mr. Walker but said the city still had economic, educational and tourism challenges. ''We're not the destination that we should be,'' he said.

Even downtown, all is not rosy. Studio Roanoke, a nonprofit black box theater, closed this month because of a lack of money. (''It's not even bare bones,'' Melora Kordos, its artistic director, told The Roanoke Times. ''We're just a couple of femurs.'') And there are other signs of struggle, especially in areas that ring the city center, like southeast Roanoke.

Jason Garnett, a former projectionist and theater manager who programs Shadowbox, the movie night at Kirk Avenue Music Hall, makes ends meet with a job as an audio-visual coordinator at a local college.

''I can't afford to live downtown,'' said Mr. Garnett, a 36-year-old father of two. Still, he and his friends are committed to staying, starting even more community-run art spaces. ''We're trying to make Roanoke cool,'' he said.

There are indications that it is working. Since 2009, 25 restaurants have opened across 10 blocks downtown, many serving farm-to-table fare, bolstered by a long-running farmer's market. A glossy monthly devoted to the art scene, Via Noke Magazine, began publishing in June. There is an adult kickball league. It adds up to the kind of do-it-yourself creative change that Mr. Walker, a sometime skateboarder whose ethos is more Joe Strummer than Jane Jacobs, advocates.

For Mr. Morrill, the city manager, the developments have already had an impact on the town's psyche. ''Roanoke has this inferiority complex,'' he said. ''People would say, 'We could've been Charlotte if we'd had a bigger airport, or Greensboro or Asheville.' And Ed helped them realize, Roanoke is a pretty good place.''

He added: ''People aren't talking about what we're not anymore. Now they're talking about what we are. And that's a huge shift.''●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:26 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor.

ENROLLED BILL SIGNED

At 7:04 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4157. An act to prohibit the Secretary of Labor from reissuing or issuing a rule substantially similar to a certain proposed rule under the Fair Labor Standards Act of 1938 relating to child labor; to the Committee on Health, Education, Labor, and Pensions.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3429. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–106. A Concurrent resolution adopted by the Legislature of the State of Utah expressing concerns over portions of the National Defense Authorization Act for Fiscal Year 2012; to the Committee on Armed Services

SENATE CONCURRENT RESOLUTION NO. 11

Whereas, the Congress of the United States passed the National Defense Authorization Act for Fiscal Year 2012 (''2012 NDAA'') on December 15, 2011;

Whereas, the President of the United States of America signed the 2012 NDAA into law on December 31, 2011;

Whereas, Section 1021 of the 2012 NDAA affirms the authority of the Armed Forces of the United States to detain covered persons pending disposition under the law of war and defines covered persons to include persons associated with the attacks on September 11, 2011 or members and supporters of al-Qaeda, the Taliban, or other associated forces that are engaged in hostilities against the United States;

Whereas, Section 1022 of the 2012 NDAA requires that members of al-Qaeda captured in the course of hostilities be detained in military custody pending disposition under the laws of war, except that it is not a requirement to detain a citizen of the United States or lawful resident alien of the United States on the basis of conduct taking place within the United States;

Whereas, there is disagreement about the impacts of Sections 1021 and 1022 of the 2012 NDAA;

Whereas, the United States Constitution and the Utah Constitution provide for due process and a speedy trial;

Whereas, the indefinite military detention of a citizen in the United States without charge or trial violates the right to be free from deprivation of life, liberty, or property without due process of law guaranteed by the United States Constitution, Amendment V and Utah Constitution, Article I, Section 14; and

Whereas, it is indisputable that the threat of terrorism is real and that the full force of appropriate and constitutional law must be used to defeat this threat; however, winning the war against terror cannot come at the great expense of mitigating basic, fundamental, constitutional rights:Now, therefore, be it

Resolved, That the Legislature of the State of Utah, the Governor concurring therein, reaffirms our rights guaranteed by the United States Constitution and the Utah Constitution, and urges the United States Congress to clarify, or repeal if found necessary, Sections 1021 and 1022 of the 2012 NDAA to ensure protection of the rights guaranteed by the United States Constitution and the Utah Constitution; *be it further*

Resolved, That a copy of this resolution should be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–107. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for interconnection of the seven Salt Lake County and Summit County ski resorts; to the Committee on Commerce, Science, and Transportation.

SENATE CONCURRENT RESOLUTION NO. 10

Whereas, tourism is one of Utah's major ''export industries'' that sells services or products to destination visitors and brings money into the state to support our local economy and provide jobs for current and future Utahns;

Whereas, over 20 million people visited the state of Utah in 2010, spending over $6.5 billion, or 5.5% of Utah's gross domestic product, contributing over $840 million in state and local taxes, and sustaining as much as 10% of the jobs in the state;

Whereas, the ski and snowboard industry is a major contributor to Utah's tourism industry, contributing over $1.2 billion to the state's economy as a result of over 4 million skier days, and growth in the ski and snowboard industry will bring additional spending, revenue, and jobs to the state;

Whereas, tourists who ski or snowboard in Utah spend money on lift tickets, equipment rentals, hotels, restaurants, car rentals, and other matters, and this money circulates through the economy, supporting over 20,000 local jobs;

Whereas, the seven ski resorts in Summit County and Salt Lake County are all located in close proximity to one another, offering

the opportunity to connect these resorts, an opportunity that leading competing winter tourism states do not have;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will create a skiing experience unavailable anywhere else in North America and reposition Utah's ski and snowboard experience to be even more competitive and attractive relative to other states, leading to increased tourist visitation and spending, which will in turn lead to an increase in revenue and jobs;

Whereas, it is recognized that Big and Little Cottonwood Canyons are critical watersheds from which more than 500,000 Utah residents, businesses, and visitors throughout Salt Lake County receive their drinking water, and that best management practices would be required in any potential resort connections;

Whereas, the balance of multiple uses in the Wasatch Mountains, including developed recreation, such as skiing and picnicking, and dispersed recreation, such as hiking, mountain biking, and back country skiing, are highly valued by residents, visitors, and businesses in Utah and contribute significantly to the state's economy and quality of life;

Whereas, the roads to ski areas in Summit County and Salt Lake County are congested during certain times of the year, and studies should be conducted by numerous federal, state, local, and private sector entities to comprehensively evaluate alternatives to solve transportation problems;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will improve access to the ski resorts and allow the unique opportunity of skiing at multiple resorts in a single day;

Whereas, connecting the ski resorts in Summit County and Salt Lake County is an issue of state concern because the connection will cross county boundaries, have a tremendously positive impact on the state economy, and may contribute positively to state roadways and airsheds;

Whereas, connecting ski resorts will allow the winter sports industry to grow while making the most efficient and sustainable use of ski terrain, roads, facilities, and parking lots;

Whereas, connecting the ski resorts in Summit County and Salt Lake County may require review and approval of permits by Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service;

Whereas, the public will be engaged in meaningful and balanced ways in any potential decision-making processes regarding resort interconnections, and these processes will be open and transparent;

Whereas, many skiers drive from Summit County to ski in the Cottonwood Canyons, or from one Cottonwood Canyon resort to ski in Summit County or at another Cottonwood Canyon resort, contributing to congestion on canyon roads;

Whereas, connecting the ski resorts in Summit County and Salt Lake County will decrease traffic on congested canyon roads and lead to cleaner air and water by reducing automobile-related pollution, and provide emergency evacuation options for Big and Little Cottonwood canyons;

Whereas, the 1988 Governor's Task Force on Interconnect concluded that 3 kA)47 S.C.R. 10 Enrolled Copy interconnecting the Wasatch ski resorts ''would provide a substantial boost to Utah's ski industry and have a positive influence on the state's economy''; and

Whereas, the Wasatch Mountains Inter-Resort Transportation Study, completed by Mountainland Association of Governments in 1990, found that connecting the Wasatch resorts ''hold[s] the promise of substantial public benefits in the form of reductions in automobile traffic on congested canyon roadways, watershed and environmental pollution abatement, increased slow-season occupancy of existing facilities, and the potential for future economic expansion'': Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, support connecting the seven ski resorts in Summit County and Salt Lake County with an inter-resort transportation system based on sound research and balanced public input, and careful evaluation of its impact on transportation, the economy, job creation, the environment, multiple uses, and visitor experience; and be it further

Resolved, That the Legislature and Governor encourage Summit County, Salt Lake County, Salt Lake City, Park City, the town of Alta, and the United States Forest Service to fairly consider the benefits of connecting the various resorts and expeditiously approve a low-impact inter-resort transportation system based on appropriate analysis and balanced public input; and be it further

Resolved, That a copy of this resolution be sent to the Summit County Council, the Summit County Manager, the mayor of Park City, the Park City Council, the Salt Lake County Council, the town of Alta, the Mayor of Salt Lake County, the Salt Lake City Council, the Mayor of Salt Lake City, the Chief of the National Forest Service, the Uinta-Wasatch-Cache National Forest Supervisor, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and all members of the Utah Congressional Delegation.

POM–108. A joint resolution adopted by the Legislature of the State of Utah petitioning the federal government to transfer title of public lands to the state of Utah; to the Committee on Energy and Natural Resources.

HOUSE JOINT RESOLUTION NO. 3

Whereas, in 1780, the United States Congress resolved that ''the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be granted and disposed of for the common benefit of all the United States that shall be members of the federal union, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: . . . and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively. (Resolution of Congress, October 10, 1780)'';

Whereas, the territorial and public lands of the United States are dealt with in Article IV, section 3, clause 2 of the United States Constitution, referred to as the Property Clause, which states, ''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States.'';

Whereas, with this clause, the Constitutional Convention agreed that the Constitution would maintain the ''statu quo'' that had been established with respect to the federal territorial lands being disposed of only to create new states with the same rights of sovereignty, freedom, and independence as the original states;

Whereas, under these express terms of trust, the land claiming states, over time, ceded their western land to their confederated union and retained their claims that the confederated government dispose of such lands only to create new states ''and for no other use or purpose whatsoever'' and apply the net proceeds of any sales of such lands only for the purpose of paying down the public debt;

Whereas, with respect to the disposition of the federal territorial lands, the Northwest Ordinance of July 13, 1787, provides, ''The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers'';

Whereas, by resolution in 1790, the United States Congress declared ''That the proceeds of sales which shall be made of lands in the Western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until the said debt shall be fully satisfied'';

Whereas, the intent of the founding fathers to eventually extinguish title to all public lands was reaffirmed by President Andrew Jackson in a message to the United States Senate on December 4, 1833, where he explained the reasons he vetoed a bill entitled ''An act to appropriate for a limited time the proceeds of the sales of the public lands of the United States and for granting lands to certain States'': ''I do not doubt that it is the real interest of each and all the States in the Union, and particularly of the new States, that the price of these lands shall be reduced and graduated, and that after they have been offered for a certain number of years the refuse remaining unsold shall be abandoned to the States and the machinery of our land system entirely withdrawn. It can not be supposed the compacts intended that the United States should retain forever a title to lands within the States which are of no value, and no doubt is entertained that the general interest would be best promoted by surrendering such lands to the States'';

Whereas, in 1828, United States Supreme Court Chief Justice John Marshall, in American Ins. Co. v. 356 Bales of Cotton, 26 U.S. 511 (1828), confirmed that no provision in the Constitution authorized the federal government to indefinitely exercise control over western public lands beyond the duty to manage these lands pending the disposal of the lands to create new states when he said, ''At the time the Constitution was formed, the limits of the territory over which it was to operate were generally defined and recognised (sic). These limits consisted in part, of organized states, and in part of territories, the absolute property and dependencies of the United States. These states, this territory, and future states to be admitted into the Union, are the sole objects of the Constitution; there is no express provision whatever made in the Constitution for the acquisition or government of territories beyond those Limits.'';

Whereas, in 1833, referring to these land cession compacts which arose from the original 1780 congressional resolution, President Andrew Jackson stated, ''These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations'' (Land bill veto, December 5, 1833);

Whereas, the United States Supreme Court, in State of Texas v. White, 74 U.S. 700 (1868), clarified that a state, by definition, includes a defined sovereign territory, stating that ''State,'' in the constitutional context, is ''a political community of free citizens, occupying a territory of defined boundaries, and organized under a government sanctioned and limited by a written constitution, and established by the consent of the governed'', and added, ''This is undoubtedly the fundamental idea upon which the republican institutions of our own country are established'';

Whereas, in Shively v. Bowlby, 152 U.S. 1 (1894), the United States Supreme Court confirmed that all federal territories, regardless of how acquired, are held in trust to create new states on an equal footing with the original states when it stated, ''Upon the acquisition of a Territory by the United States, whether by cession from one of the States, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several States to be ultimately created out of the Territory.'';

Whereas, the United States Supreme Court has affirmed that the federal government must honor its trust obligation to extinguish title to the public lands for the sovereignty of the new state to be complete, stating once ''the United States shall have fully executed these trusts, the municipal sovereignty of the new states will be complete, throughout their respective borders, and they, and the original states, will be upon an equal footing, in all respects. . .'' (Polland v. Hagan, 44 U.S. 212 (1845));

Whereas, the enabling acts of the new states west of the original colonies established the terms upon which all such states were admitted into the union, and contained the same promise to all new states that the federal government would extinguish title to all public lands lying within their respective borders;

Whereas, the United States Supreme Court looks upon the enabling acts which create new states as ''solemn compacts'' and ''bilateral (two-way) agreements'' to be performed ''in a timely fashion'';

Whereas, under Section 3 of Utah's Enabling Act, Utah agreed to the same solemn compacts as states preceding in statehood, that until the title to unappropriated public lands lying within the state's boundaries ''shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; . . . that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use'';

Whereas, the trust obligation of the federal government to timely extinguish title of all public lands lying within the boundaries of the state of Utah is made even more clear in Section 9 of Utah's Enabling Act as follows: ''That five per centum of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same shall be paid to the said State, to be used as a Permanent Fund, the interest of which only shall be expended for the support of the common schools within said State'';

Whereas, the federal government confirmed its trust obligation to timely extinguish title to all public lands lying within the boundaries of the state of Utah by and through the 1934 Taylor Grazing Act, which declared that the act was established ''In order to promote the highest use of the public lands pending its final disposal'';

Whereas, in 1976, after nearly 200 years of trust history regarding the obligation of Congress to extinguish title of western lands to create new states and use the proceeds to discharge its public debts, the United States Congress purported to unilaterally change this solemn promise by and through the Federal Land Policy Management Act (FLPMA), which provides, in part, ''The Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless . . . it is determined that disposal of a particular parcel will serve the federal interest'';

Whereas, at the time of Utah's Enabling Act the course and practice of the United States Congress with all prior states admitted to the union had been to fully extinguish title, within a reasonable time, to all lands within the boundaries of such states, except for those Indian lands, or lands otherwise expressly reserved to the exclusive jurisdiction of the United States;

Whereas, the state of Utah did not, and could not have, contemplated or bargained for the United States failing or refusing to abide by its solemn promise to extinguish title to all lands within its defined boundaries within a reasonable time such that the state of Utah and its permanent fund for its common schools could never realize the bargained-for benefit of the deployment, taxation, or economic benefit of all the lands within its defined boundaries;

Whereas, from 1780 forward the federal government only held bare legal title to the western public lands in the nature of a trustee in trust with the solemn obligation to timely extinguish title to such lands to create new states and to use the proceeds to pay the public debt;

Whereas, the federal government complied with its promise and solemn obligation to imminently transfer title of public lands lying within the boundaries of all states to the eastern edge of the state of Colorado and also with the state of Hawaii;

Whereas, by the terms of Utah's Enabling Act, Utah suspended its sovereign right to eventually tax the public lands within its borders, pending final disposition of the public lands;

Whereas, the federal government has repeatedly and persistently failed to honor its promises and has refused to abide by the terms of its preexisting solemn obligations to imminently extinguish title to all public lands;

Whereas, had Congress honored its promise to Utah to timely extinguish title to all public lands within Utah's boundaries, Utah would have had sovereign control over lands within its borders;

Whereas, Congress, by and through FLPMA, unilaterally altered its duty in 1976 to extinguish title to all public lands within Utah's borders by committing to a policy of retention and a process of comprehensive land management and planning coordinated between the federal government, the states, and local governing bodies for access, multiple use, and sustained yield of the public lands;

Whereas, despite the fact that the federal government had not divested all public lands within Utah's borders by 1976, this did not alleviate the federal government from its duty to extinguish title and divest itself of federal ownership of remaining public land in Utah by ceding such land directly to the state as it did with other states;

Whereas, since the passage of FLPMA, the federal government has engaged in a persistent pattern and course of conduct in direct violation of the letter and spirit of FLPMA through an abject disregard of local resource management plans, failure and refusal to coordinate and cooperate with the state and local governments, unilateral and oppressive land control edicts to the severe and extreme detriment of the state and its ability to adequately fund education, provide essential government services, secure economic opportunities for wage earners and Utah business, and ensure a stable prosperous future;

Whereas, under the United States Constitution, the American states reorganized to form a more perfect union, yielding up certain portions of their sovereign powers to the elected officers of the government of their union, yet retaining the residuum of sovereignty for the purpose of independent internal self governance;

Whereas, by compact between the original states, territorial lands were divided into ''suitable extents of territory'' and upon attaining a certain population, were to be admitted into the union upon ''an equal footing'' as members possessing ''the same rights of sovereignty, freedom and independence'' as the original states;

Whereas, the federal trust respecting public lands obligates the United States, through their agent, Congress, to extinguish both their government jurisdiction and their title on the public lands that are held in trust by the United States for the states in which they are located;

Whereas, the state and federal partnership of public lands management has been eroded by an oppressive and over-reaching federal management agenda that has adversely impacted the sovereignty and the economies of the state of Utah and local governments;

Whereas, federal land-management actions, even when applied exclusively to federal lands, directly impact the ability of the state of Utah to manage its school trust lands in accordance with the mandate of the Utah Enabling Act and to meet its obligation to the beneficiaries of the trust;

Whereas, Utah has been substantially damaged in its ability to provide funding for education and the common good of the state and to serve a sustainable, vibrant economy into the future because the federal government has unduly retained control of nearly two-thirds of the lands lying within Utah's borders;

Whereas, Utah consistently ranks highest among all the states in class size and lowest in the nation in per pupil spending for education;

Whereas, had the federal government disposed of the land in or about 1896, Utah would have, from that point forward, generated substantial tax revenues and revenues from the sustainable managed use of its natural resources to the benefit of its public schools and to the common good of the state and nation;

Whereas, the federal government gives Utah less than half of the net proceeds of mineral lease revenues and severance taxes generated from the lands within Utah's borders;

Whereas, Utah has been substantially damaged in mineral lease revenues and severance taxes in that, had the federal government extinguished title to all public lands, Utah would realize 100% of the mineral lease revenues and severance taxes from the lands;

Whereas, the Bureau of Land Management's (BLM) failure to act affirmatively on definitive allocation decisions of multiple use activities in resource management plans has created uncertainty in the future of public land use in Utah and has caused capital to flee the state;

Whereas, during the process of finalizing the most recent six Resource Management Plans, the BLM refused to consider state and

local government acknowledgments of R.S. 2477 rights-of-way or other evidence of the existence of R.S. 2477 rights-of-way in the Grand Staircase Escalante National Monument;

Whereas, the BLM has demonstrated a chronic inability to handle the proliferation of wild horses and burros on the public lands, to the detriment of the rangeland resource;

Whereas, the United States Army Corps of Engineers is proposing to extend its jurisdiction to regulate the waters of the United States to areas traditionally dry, except during severe weather events, in violation of the common definition of jurisdictional waters;

Whereas, in 1996, the president of the United States abused the intent of the Antiquities Act by the creation of the Grand Staircase Escalante National Monument without any consultation with the state and local authorities or citizens;

Whereas, the United States Fish and Wildlife Service is making decisions concerning various species on BLM lands under the provisions of the Endangered Species Act without serious consideration of state wildlife management activities and protection designed to prevent the need for a listing, or recognizing the ability to delist a species, thereby affecting the economic vitality of the state and local region;

Whereas, the BLM has not authorized all necessary rangeland improvement projects involving the removal of pinyon-juniper and other climax vegetation, thereby reducing the biological diversity of the range, reducing riparian viability and water quality, and reducing the availability of forage for both livestock and wildlife;

Whereas, Utah initially supported placing into reserve the six National Forests in Utah—Ashley, Fishlake, Manti La-Sal, Dixie, Uinta, and Wasatch-Cache, because Utah was promised this action would preserve the forest lands as watersheds and for agricultural use—namely timber and other wood products, and grazing;

Whereas, this vision and promise of agricultural production on the forest lands is the reason that the United States Forest Service was made part of the United States Department of Agriculture as opposed to the Department of the Interior;

Whereas, the promise of preservation for agricultural use has been broken by the current and recent administrations;

Whereas, logging, timber, and wood products operations on Utah's National Forests have come to a virtual standstill, resulting in forests that are choked with old growth monocultures, loss of aspen diversity, loss of habitat, and a threat to community watersheds due to insect infestation and catastrophic fire;

Whereas, these conditions are the result of a failure to properly manage the forest lands for their intended use, which is responsible and sustained timber production, watersheds, and grazing;

Whereas, the only remedy for federal government breaches of Utah's Enabling Act Compact and breaches to the spirit and letter of the promises of FLPMA is for the state of Utah to take back title and management responsibility of federally-managed public lands, which would restore the promises in the solemn compact made at statehood;

Whereas, under Article I, Section 8, Clause 17 of the United States Constitution, the federal government is only constitutionally authorized to exercise jurisdiction over and above bare right and title over lands that are ''purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings'';

Whereas, the United States Supreme Court affirmed that the federal government only holds lands as a mere ''ordinary proprietor'' and cannot exert jurisdictional dominion and control over public lands without the consent of the state Legislature, stating ''Where lands are acquired without such consent, the possession of the United States, unless political jurisdiction be ceded to them in some other way, is simply that of an ordinary proprietor (emphasis added). The property in that case, unless used as a means to carry out the purposes of the government, is subject to the legislative authority and control of the states equally with the property of private individuals.''(Ft. Leavenworth R. Co. v. Lowe, 114 U.S. 525 (1885));

Whereas, in a unanimous 2009 decision, the United States Supreme Court, in Hawaii v. Office of Hawaiian Affairs, 556 U.S. 163 (2009), affirmed that Congress has no right to change the promises it made to a state's Enabling Act, stating, ''. . . [a subsequent act of Congress] would raise grave constitutional concerns if it purported to 'cloud' Hawaii's title to its sovereign lands more than three decades after the State's admission to the Union. . . '*[T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event . . . to suggest that subsequent events somehow can diminish what has already been bestowed'. And that proposition applies a fortiori [with even greater force] where virtually all of the State's public lands. . . are at stake*'' (emphasis added, citation omitted);

Whereas, citizens of the state of Utah have a love of the land and have demonstrated responsible stewardship of lands within state jurisdiction;

Whereas, the state of Utah is willing to sponsor, evaluate, and advance the locally driven efforts in a more efficient manner than the federal government, to the benefit of all users, including recreation, conservation, and the responsible and sustainable management of Utah's natural resources;

Whereas, the state of Utah has a proven regulatory structure to manage public lands for multiple use and sustainable yield;

Whereas, the United States Congress disposed of lands within the boundaries of the states of Tennessee and Hawaii directly to those states;

Whereas, because of the entanglements and rights arising over the 116 years that the federal government has failed to honor its promise to timely extinguish title to public lands and because of the federal government's breach of Utah's Enabling Act and breach of FLPMA, among other promises made, and the damages resulting from such breaches, the United States Congress should imminently transfer title to all public lands lying within the State of Utah directly to the State of Utah, as it did with Hawaii and Tennessee;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede the national park land to the federal government on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in disrepair, or conveyed to any party other than the state of Utah;

Whereas, the Legislature of the state of Utah, upon transfer of title by the federal government of the public lands directly to the state, intends to cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964;

Whereas, in order to effectively address the accumulated entanglements and expectations over Utah's public lands, including open space, access, multiple use, and the management of sustainable yields of Utah's natural resources, a Utah Public Lands Commission should be formed to review and manage multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold, if any; and

Whereas, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for Utah's public schools, and 95% of the net proceeds should be paid to the federal government to pay down the federal debt: Now, therefore, be it

Resolved that in order to provide a fair, justified, and equitable remedy for the federal government's past and continuing breaches of its solemn promises to the State of Utah as set forth in this resolution and to provide for the sufficient and necessary funding of Utah's public education system, the Legislature of the state of Utah demands that the federal government imminently transfer title to all of the public lands within Utah's borders directly to the state of Utah. Be it further

Resolved, that the Legislature of the state of Utah urges the United States Congress in the most strenuous terms to engage in good faith communication, cooperation, coordination, and consultation with the state of Utah regarding the transfer of public lands directly to the state of Utah. Be it further

Resolved, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede the national park lands to the federal government, under Article I, Section 8, Clause 17 of the United States Constitution, on condition that the lands permanently remain national park lands, that they not be sold, transferred, left in substantial disrepair, or conveyed to any party other than the state of Utah. Be it further

Resolved, that, upon transfer of the public lands directly to the state of Utah, the Legislature intends to affirmatively cede to the federal government all lands currently designated as part of the National Wilderness Preservation System pursuant to the Wilderness Act of 1964. Be it further

Resolved, that the Legislature calls for the creation of a Utah Public Lands Commission to review and manage access, open space, sustainable yields, and the multiple use of the public lands and to determine, through a public process, the extent to which public land may be sold. Be it further

Resolved, that, to the extent that the Public Lands Commission determines through a public process that any such land should be sold to private owners, that 5% of the net proceeds should be paid to the permanent fund for the public schools, and 95% should be paid to the Bureau of the Public Debt to pay down the federal debt. Be it further

Resolved, that copies of this resolution be sent to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and the Governors, Senate Presidents, and Speakers of the House of the 49 other states.

POM–109. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax in the Uintah Basin; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION NO. 8

Whereas, the United States is seeking energy development opportunities;

Whereas, using natural resources from all possible energy producing sources is integral to economic growth;

Whereas, within the Uintah Basin of the state of Utah, there is an abundance of crude oil commonly referred to as Black and Yellow Wax crude;

Whereas, geological estimates put the potential of this resource on equal footing with the largest oil developments in the United States;

Whereas, on average, the United States imports from foreign sources more than half of all oil sold in America;

Whereas, a significant amount of imported oil comes from countries and regions hostile to the interests of the United States;

Whereas, conservative estimates indicate that there is more recoverable oil on federal lands in the United States than in Saudi Arabia, a major source of imported oil;

Whereas, a significant amount of the oil in the Uintah Basin is found beneath tribal lands;

Whereas, the Ute Indian Tribes receive significant compensation from oil production on tribal lands;

Whereas, the United States Treasury receives significant revenues from severance taxes paid from oil extraction on federal and tribal lands;

Whereas, the state of Utah receives significant revenues from severance taxes paid from oil extraction on lands within the state;

Whereas, the Utah School and Institutional Trust Lands (SITLA) receives significant revenues from oil extracted on SITLA lands in the Uintah Basin;

Whereas, the economies of the counties in the Uintah Basin depend upon the oil and gas industry;

Whereas, the major producers of oil in the Uintah Basin are actively pursuing opportunities to increase production;

Whereas, because of the molecular nature of the wax crude in the Uintah Basin, the refineries in North Salt Lake are currently the only viable market for producers of the wax crude;

Whereas, an oil upgrading facility could change the molecular structure of the wax crude to liquefy it and allow the wax to be delivered to market via pipeline;

Whereas, an oil upgrading facility in the Uintah Basin would allow for increased production of the wax crude in the Uintah Basin, to the benefit of all Utahns; and

Whereas, private companies are willing and anxious to build an oil upgrading facility on private land in the Uintah Basin: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, supports and encourages new technologies and facilities that allow for, and enhance the production and value of, Uintah Black Wax: be it further

Resolved, That the Legislature and the Governor urge that the development of an oil upgrading facility in the Uintah Basin, through the cooperation and consideration of local, state, and federal officials, be conducted in a manner that is prudent, ethical, and lawful: and be it further

Resolved, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Petroleum Association, the Utah Department of Natural Resources, the Public Service Commission, and the members of Utah's congressional delegation.

POM–110. A memorial adopted by the Legislature of the State of Florida urging Congress to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; to the Committee on Energy and Natural Resources.

HOUSE MEMORIAL NO. 611

Whereas, the United States Fish and Wildlife Service established the Crystal River National Wildlife Refuge in 1983 to provide protection and sanctuary for the endangered West Indian manatee within portions of Kings Bay in Crystal River, and

Whereas, the rules currently in effect within the refuge have resulted in a significant increase in manatee population as evidenced by monitoring, sound science, and local data, and

Whereas, the United States Fish and Wildlife Service has proposed a rule to designate all of Kings Bay as a manatee refuge, and

Whereas, adoption of the proposed rule will have a significant adverse impact on the tourism industry, which is a critical part of the Crystal River economy, at a time when its local economy is already seriously weakened by challenges within the national economy, and

Whereas, adoption of the proposed rule will also have a significant adverse impact on the riparian rights of property owners adjacent to Kings Bay and the connecting waterways, and

Whereas, prohibiting the use of any portion of Kings Bay for recreational boating activities, such as swimming, kayaking, and water skiing, will force such activities into the channel of Crystal River, subjecting participants to significant risks associated with sharing the channel with commercial fishing boats and other large watercraft, and

Whereas, there are viable alternatives to the proposed rule, such as increased enforcement of the rules currently in effect, which would accomplish the desired outcome of a reduced incidence rate of manatee injury or death without unduly restricting public use of Kings Bay, a water body that has historically served as the heart of the Crystal River community, and

Whereas, the City Council of the City of Crystal River and the Board of County Commissioners of Citrus County passed unanimous resolutions requesting that the United States Fish and Wildlife Service reconsider the proposed rule, and

Whereas, adoption of the proposed rule without a proper review of the impact on the City of Crystal River and the surrounding communities would be arbitrary and capricious: Now, therefore, be it

Resolved, by the Legislature of the State of Florida: That the Congress of the United States is urged to direct the United States Fish and Wildlife Service to reconsider the proposed rule to designate Kings Bay as a manatee refuge and in lieu of the rule partner with the state and local governments in seeking joint long-term solutions to manatee protection; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–111. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to delegate the regulation of hydraulic fracturing to the states; to the Committee on Environment and Public Works.

SENATE CONCURRENT RESOLUTION NO. 12

Whereas, hydraulic fracturing, a mechanical method of increasing the permeability of rock, thus increasing the amount of oil or gas produced from the rock, has greatly enhanced oil and gas production in Utah;

Whereas, oil and gas production increases have led to growth in employment and economic development as well as promotion of energy independence for the United States;

Whereas, the state of Utah, through the Division of Oil, Gas, and Mining and the Department of Environmental Quality, have proven more than capable of regulating oil and gas recovery processes and ensuring the safety of workers while protecting the environment; and

Whereas, the state is best situated to closely monitor oil and gas drilling and fracturing operations to ensure that they are conducted in an environmentally sound manner: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the Congress of the United States to clearly delegate responsibility for the regulation of hydraulic fracturing to the states; and be it further

Resolved, That a copy of this resolution be sent to the United States Secretary of the Interior, the Utah Division of Oil, Gas, and Mining, and the members of Utah's congressional delegation.

POM–112. A joint resolution adopted by the Legislature of the State of Maine urging the President of the United States and the United States Congress to enact the Social Security Fairness Act of 2011; to the Committee on Finance.

JOINT RESOLUTION

Whereas, under current federal law, an individual who receives a Social Security benefit and a public retirement benefit derived from employment not covered under Social Security is subject to a reduction in the individual's Social Security benefit; and

Whereas, these laws, known as the Government Pension Offset and the Windfall Elimination Provision, greatly affect public employees and the Government Pension Offset requires a reduction in the spousal benefit received under Social Security equal to 2/3 of the surviving spouse's benefit under another government pension plan even though the spousal benefit was fully earned; and

Whereas, the Windfall Elimination Provision reduces the Social Security benefit of a person who is also receiving a pension from a public employer that does not participate in Social Security; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision are particularly burdensome on the finances of low-income and moderate-income public service workers such as school teachers, clerical workers and school cafeteria employees; and

Whereas, the Government Pension Offset and the Windfall Elimination Provision both unfairly reduce benefits for those public employees and their spouses whose careers cross the line between the private and public sectors; and

Whereas, since many lower-paying public service jobs are held by women, both the Government Pension Offset and the Windfall Elimination Provision have a disproportionately adverse effect on women; and

Whereas, in some cases, additional support in the form of income, housing, heating and prescription drug assistance and other safety net assistance from state and local governments is needed to make up for the reductions imposed at the federal level; and

Whereas, other participants in Social Security do not have their benefits reduced in this manner; and

Whereas, to participate or not to participate in Social Security in public sector employment is a decision of employers, even though both the Government Pension Offset and the Windfall Elimination Provision directly punish employees and their spouses; and

Whereas, although the Government Pension Offset was enacted in 1977 and the Windfall Elimination Provision was enacted in

1983, many of the benefits in dispute had been paid into Social Security prior to the enactment of those laws; and

Whereas, H.R. 1332, the Social Security Fairness Act of 2011, a bipartisan bill introduced in the United States House of Representatives, would repeal these 2 unfair federal pension offsets, which penalize so many people in Maine and the rest of the Nation; now, therefore, be it

Resolved: That We, your Memorialists, respectfully urge and request that the President of the United States and the United States Congress work together to enact the Social Security Fairness Act of 2011, permitting retention of a combined public pension and Social Security benefit with no applied reductions; and be it further

Resolved: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Barack H. Obama, President of the United States; the President of the United States Senate; the Speaker of the United States House of Representatives; and each Member of the Maine Congressional Delegation.

POM–113. A joint memorial adopted by the Legislature of the State of Colorado memorializing Congress to modify certain reporting procedures for small nonprofit organizations to require the Internal Revenue Service to adequately notify such organizations of the procedures and to allow such organizations to remedy reporting deficiencies; to the Committee on Finance.

SENATE JOINT MEMORIAL NO. 12–003

Whereas, in 2004, the United States Senate Finance Committee issued a white paper proposing reforms to federal oversight of nonprofit organizations; and

Whereas, Senator Charles Grassley, Chair of the Senate Finance Committee, encouraged formation of a panel of nonprofit leaders to examine these issues in the white paper and submit recommendations to Congress; and

Whereas, in 2005, the Panel on the Nonprofit Sector (panel) issued a ''Report to Congress and the Nonprofit Sector on Governance, Transparency, and Accountability''; and

Whereas, as part of its report, the panel recommended that small nonprofit organizations be required to file an annual notice with the Internal Revenue Service. The report also recommended that the Internal Revenue Service should have the authority, ''[a]fter an appropriate phase-in period, . . . to suspend the tax-exempt status of organizations that fail to file the required notification form for three consecutive years''; and

Whereas, the panel recommended the annual notice because it ''. . . will assist the IRS in providing more accurate information to the public about organizations eligible to receive tax-deductible contributions''; and

Whereas, in 2006, Congress adopted the ''Pension Protection Act of 26'' (act), which was based in part on the panel's recommendations; and

Whereas, section 1223 of the act, codified at 2006 U.S.C. sec. 6033, created new and unfamiliar annual filing requirements for many small nonprofit organizations by requiring those organizations to annually file Form 990–N, also known as the e-Postcard; and

Whereas, the act requires that an affected organization's tax-exempt status ''be considered revoked'' rather than ''suspended'' after failing to file the e-Postcard for three consecutive years; and

Whereas, although the Internal Revenue Service sent an initial mailing in 2007 and has since developed other resources to alert these affected nonprofit organizations of the new filing requirements, nonprofit organizations with outdated contact information with the Internal Revenue Service did not receive these notices, and many others were not sufficiently aware of how to comply with their new reporting duties; and

Whereas, based on some constituent conversations with Internal Revenue Service representatives and contrary to statements on the Internal Revenue Service's web site, the Internal Revenue Service does not send reminder notices to organizations that do not file their e-Postcards on time and only notifies affected organizations after such revocation has occurred; and

Whereas, approximately 400,000 nonprofit organizations across the United States, including thousands of organizations in Colorado, many of which have annual budgets of less than $25,000, have had their tax-exempt status automatically revoked by the Internal Revenue Service for failing to file an annual notice for three consecutive years. Although many of these organizations no longer do business, many other organizations continue to operate and could have successfully maintained their tax-exempt status if they had received more timely notice of the impending revocation; and

Whereas, although the Internal Revenue Service allows revoked organizations to apply for retroactive reinstatement of their tax-exempt status, the application process is burdensome and costly for these nonprofit organizations; Now, therefore, be it

Resolved by the Senate of the Sixty-eighth General Assembly of the State of Colorado, the House of Representatives concurring herein,

That we, the members of the Colorado General Assembly, hereby memorialize the United States Congress to amend 26 U.S.C. sec. 6033 so that:

(1) The Internal Revenue Service is required to send timely notification to remind small nonprofit organizations when they have not filed the e-Postcard on time and to inform them of any impending revocation or other action affecting their tax-exempt status due to their failure to file an annual notice for three consecutive years; and

(2) The Internal Revenue Service is required to suspend, not revoke, the tax-exempt status of any nonprofit organization that fails to file for three consecutive years so that a nonprofit organization's tax-exempt status may be simply and retroactively restored without the organization being required to reapply for a determination of tax-exempt status; and be it further

Resolved, That copies of this Joint Memorial be sent to each member of Colorado's congressional delegation, Speaker of the United States House of Representatives John Boehner, Senate Majority Leader Harry Reid, Secretary of the United States Senate Nancy Erickson, Clerk of the United States House of Representatives Karen L. Haas, and Treasury Secretary Timothy Geithner.

POM–114. A joint resolution adopted by the Legislature of the State of Utah urging the United States Congress to pass legislation for the fair and constitutional collection of state sales tax by both in-state and remote sellers; to the Committee on Finance.

HOUSE JOINT RESOLUTION NO. 14

Whereas, United States Supreme Court decisions in National Bellas Hess v. Department of Revenue, 386 U.S. 753 (1967) and Quill Corp. v. N.D., 504 U.S. 298 (1992), have ruled that the Commerce Clause of the United States Constitution denies states the authority to require the collection of sales and use taxes by remote sellers that have no physical presence in the taxing state;

Whereas, the United States Supreme Court also declared in the Quill v. North Dakota decision that Congress could exercise its authority under the Commerce Clause of the United States Constitution to decide ''whether, when, and to what extent'' the states may require sales and use tax collection on remote sales;

Whereas, states and localities that use sales and use taxes as a revenue source may not collect revenue from some portion of remote sales commerce;

Whereas, since 1999, various state legislators, governors, local elected officials, state tax administrators, and representatives of the private sector have worked together as a Streamlined Sales Tax Project and Governing Board to develop a streamlined sales and use tax system currently adopted in some form in 24 states;

Whereas, between 2001 and 2002, 40 states enacted legislation expressing their intent to simplify the states' sales and use tax collection systems, and to participate in discussions to allow for the collection of states' sales and use taxes;

Whereas, the actions of these states arguably provide some justification for Congress to enact legislation to allow states to require remote sellers to collect the states' sales and use tax;

Whereas, any federal legislation should be fair to both in-state and remote sellers, whether such legislation requires sales and use taxes to be collected on a point-of-sales or point-of-delivery basis;

Whereas, Congress, in considering federal legislation, should consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is simple to implement and maintain; 2) immunity from civil liability for retailers utilizing state-provided or state-certified software in tax collection and remittance; 3) tax audit accountability to a single state tax audit authority; 4) elimination of interstate tax complexity by streamlining taxable good categories; 5) adoption of a meaningful small business exception so that small businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer;

Whereas, the Utah State Legislature and some of its sister legislatures in other states have acknowledged the complexities of the current sales and use tax system, have formulated varied alternative collection systems, and have shown the political will to make changes in their respective sales and use tax systems;

Whereas, the enactment of legislation by Congress and the President that allows states to require remote sellers to collect the states' sales and use taxes, will facilitate the states' ability to enforce their current laws for collecting sales and use taxes on remote sales;

Whereas, requiring remote sellers to collect the sales and use taxes may broaden Utah's sales tax base and potentially enable the Utah State Legislature to lower sales and use tax rates; and

Whereas, empowering states to collect sales and use taxes on in-state and remote sales is consistent with the 10th Amendment to the United States Constitution and is a states' rights issue: Now, therefore, be it

Resolved, That the Utah State Legislature urges the United States House of Representatives and the United States Senate to pass, without delay, and the President of the United States to sign, federal legislation that provides for the fair and constitutional collection of state sales and use taxes; and be it further

Resolved, That the Legislature of the state of Utah urges that, in passing such legislation, Congress consider the following principles: 1) state-provided or state-certified tax collection and remittance software that is

simple to implement and maintain; 2) immunity from civil liability for retailers utilizing state-provided or state-certified software in tax collection and remittance; 3) tax audit accountability to a single state tax audit authority; 4) elimination of interstate tax complexity by streamlining taxable good categories; 5) adoption of a meaningful small business exception so that small businesses that sell remotely are not adversely affected by the legislation; and 6) fair compensation to the tax-collecting retailer; and be it further

Resolved, That the Legislature of the state of Utah, recognizing that such legislation may not include all of these principles, declares that Congress's passage of the legislation will help create consistent standards for retailers forced to collect state sales and use taxes whether on a point-of-delivery basis or a point-of-sale basis, thus leveling the playing field between in-state and remote sellers; and be it further

Resolved, That this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–115. A joint resolution adopted by the Legislature of the State of Utah supporting Social Security reform measures; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 13

Whereas, Social Security is the largest single item in the federal budget;

Whereas, in fiscal year 2011, the federal government spent $730 billion on Social Security, or 20% of the total $3.6 trillion federal budget;

Whereas, over the next 75 years, Social Security's unfunded liability is $6.5 trillion;

Whereas, Social Security has been running a deficit since 2010 and will be incurring annual deficits permanently unless the system is reformed;

Whereas, opponents of Social Security reform argue that Social Security has a $2.6 trillion trust fund that is backed by the full faith and credit of the United States Government, but these government bonds are simply obligations that the federal government owes itself, so redeeming these Treasury IOU's requires the federal government to cut spending elsewhere, raise taxes, issue more debt to the public, or monetize debt through the Federal Reserve;

Whereas, reform opponents have also falsely claimed that Social Security has not added a single penny to the deficit because Social Security is legally prohibited from deficit spending, but Social Security is now operating at a deficit on a cash basis;

Whereas, while reform opponents counter that the Social Security Trust Fund paid $118 billion in interest in 2010 and about $115 billion in interest in 2011, but these payments are not real money, but are accounting mechanisms that transfer phantom money from one government account to another;

Whereas, the Congressional Budget Office projects federal government non-interest spending to reach 25% of the Gross Domestic Product in 2035;

Whereas, including interest, federal spending will reach 34% of the Gross Domestic Product;

Whereas, since these levels are not sustainable, Congress must slow the growth in federal spending;

Whereas, Representative Jason Chaffetz has announced his proposals for Social Security reform that he plans to introduce as legislation in the United States Congress;

Whereas, the proposed reform implements longevity indexing by increasing normal retirement age from 67 for those born in 1960, to 68 for those born in 1966, and to 69 for those born in 1972;

Whereas, in years after 1972, the normal retirement age is increased one month every two years, while keeping early retirement age unchanged at 62;

Whereas, the proposed reform changes the cost of living allowance calculation from the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) to chained CPI–W which is a more accurate representation of inflation;

Whereas, the proposed reform adds an additional bend point at the 50th percentile for calculating the primary insurance amount;

Whereas, for workers with lifetime earnings above the 50th percentile, the primary insurance amount grows across generations by a combination of the CPI–W growth and average wage growth instead of just average wage growth;

Whereas, change begins for newly eligible retirees in 2016 and ends in 2055;

Whereas, the proposed reform increases the number of years from 35 to 40 that are included for calculation of Average Indexed monthly earnings by adding one additional computational year for those becoming eligible in 2012, 2014, 2016, 2018, and 2020;

Whereas, the proposed reform indexes the special minimum benefit to wages instead of CPI beginning in 2012;

Whereas, in 2011, the special minimum benefits were $791 per month for 30 years of coverage and $394 per month for 20 years of coverage;

Whereas, the proposed reform allows for five years of child care to be included as creditable coverage if not already creditable;

Whereas, the proposed reform increases benefits by 5% for beneficiaries starting at age 85;

Whereas, the proposed reform implements an annual means test that reduces the benefit up to 50% for couples earning more than $360,000 in the most recent tax year;

Whereas, total Social Security benefits would continue to grow but at a slower rate, allowing the system to avoid insolvency;

Whereas, the vast majority of retirees, particularly those with average or below average lifetime earnings, would receive a larger check than they are getting today;

Whereas, some will actually receive an increase over what they would be getting without reform;

Whereas, using current benefits as a baseline and adjusting these benefits for inflation, middle and lower income retirees in future years will get essentially the same or better benefits than current retirees; and

Whereas, these measures must be taken very soon in order for the Social Security system to avoid an otherwise inevitable collapse: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses support for the Social Security reform measures proposed by Congressman Jason Chaffetz, and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Social Security Administration, and to the members of Utah's congressional delegation.

POM–116. A joint resolution adopted by the Legislature of the State of Utah urging the Obama Administration to support Taiwan's meaningful participation in the United Nations as an observer; to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION NO. 2

Whereas, in May 2009, Taiwan's inclusion in the World Health Organization raised the possibility for Taiwan to be meaningfully involved in other United Nations' agencies, programs, and conventions;

Whereas, the Taipei Flight Information Region, under the jurisdiction of the Government of Taiwan, covers an airspace of 176,000 square nautical miles and provides air traffic control services to over 1,350,000 flights annually;

Whereas, Taiwan Taoyuan International Airport is recognized as the world's 8th largest airport by international cargo volume and number of international passengers;

Whereas, exclusion from the International Civil Aviation Organization (ICAO) since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practice that comports with evolving international standards due to its inability to contact the ICAO for up-to-date information on aviation standards and norms in a timely manner;

Whereas, the exclusion of Taiwan from the ICAO has prevented the ICAO from developing a truly global strategy to address security threats based on effective international cooperation; and

Whereas, ICAO rules and existing practices have allowed for the meaningful participation of noncontracting nations, as well as other bodies, in its meetings and activities by granting observer status: Now, therefore, be it

Resolved, That the Legislature of the state of Utah urges the Obama Administration to support Taiwan's meaningful participation as an observer in the United Nations' specialized agencies, programs, and conventions; and be it further

Resolved, That a copy of this resolution be sent to the president of the United States, the government of Taiwan, and the members of Utah's congressional delegation.

POM–117. A resolution adopted by the Senate of the State of Rhode Island urging the United States Congress to fully fund the Workforce Investment Act (WIA); to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 2303

Whereas, The United States Congress is considering an appropriations bill that would significantly cut funding to federal workforce programs including the Adult, Dislocated Worker, and Youth programs authorized under the Workforce Investment Act (WIA); and

Whereas, WIA is the major funding source for the employment and training programs in the states, including education, placement, and business support services; and

Whereas, WIA appropriations help fund Rhode Island's comprehensive One-Stop Career Centers, local Workforce Investment Boards, contextualized training, innovative industry partnerships, and a myriad of other services designed to improve the skill level and work preparedness of Rhode Island's workforce; and

Whereas, Programs funded by WIA provide a valuable service to our business community by helping to provide a 21st century skilled workforce that is designed to meet the needs of Rhode Island employers who are struggling to recover from the recent recession; and

Whereas, Over the past two years, the Department of Labor and Training estimates that WIA programs have assisted over 33,600 Rhode Islanders in their efforts to obtain new skills and secure employment; and

Whereas, A significant reduction in federal WIA funding would devastate the workforce development system in Rhode Island, resulting in fewer training and retraining opportunities for unemployed job seekers, reducing funds for valuable on-the-job training, reducing funding for the state's Rapid Response

layoff aversion program, reducing the number of work experience and career exploration programs for vulnerable at-risk youth, and hindering the development and enhancement of a workforce that can compete in the global economy: Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby strongly urges and implores Congress to fully fund the Workforce Investment Act, the cornerstone of the state workforce system that provides vital services to the unemployed, underemployed, and employers as they try to rebound from the recent recession; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the President of the United States Senate, to the Speaker of the United States House of Representatives, to the Honorable Jack Reed and Sheldon Whitehouse, United States Senators, and to the Honorable James R. Langevin and David N. Cicilline, United States Representatives.

POM–118. A joint resolution adopted by the Legislature of the State of Utah recognizing pregnancy care centers and expressing support for their efforts on behalf of those facing unplanned pregnancies; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 21

Whereas, the life-affirming impact of pregnancy care centers on the women, men, children, and communities they serve is considerable and growing;

Whereas, pregnancy care centers serve women in Utah and across the United States with integrity and compassion;

Whereas, more than 2,500 pregnancy care centers across the United States provide comprehensive care to women and men in relation to unplanned pregnancies, including resources to meet their physical, psychological, emotional, and spiritual needs;

Whereas, pregnancy care centers offer women free, confidential, and compassionate services, including pregnancy tests, peer counseling, 24-hour telephone hotlines, childbirth and parenting classes, and referrals to community, health care, and other supportive services;

Whereas, many medical pregnancy care centers offer ultrasounds and other medical services;

Whereas, many pregnancy care centers provide information on adoption and adoption referrals to pregnant women;

Whereas, pregnancy care centers encourage women to make positive life choices by equipping them with complete and accurate information regarding their pregnancy options and the development of their unborn children;

Whereas, pregnancy care centers provide women with compassionate and confidential peer counseling in a nonjudgmental manner regardless of their pregnancy outcomes;

Whereas, pregnancy care centers provide important support and resources for women who choose childbirth over abortion;

Whereas, pregnancy care centers ensure that women are receiving prenatal information and services that lead to the birth of healthy infants;

Whereas, many pregnancy care centers provide grief assistance for women and men who regret the loss of their children from past choices they have made;

Whereas, many pregnancy care centers work to prevent unplanned pregnancies by teaching effective abstinence education in public schools;

Whereas, both federal and state governments are increasingly recognizing the valuable services of pregnancy care centers through the designation of public funds for such organizations;

Whereas, pregnancy care centers operate primarily through reliance on the voluntary donations and time of individuals who are committed to caring for the needs of women and promoting and protecting life; and

Whereas, pregnancy care centers provide full disclosure, in both their advertisements and direct contact with women, of the types of services they provide: Now, therefore, be it

Resolved, That the Legislature of the state of Utah expresses strong support for pregnancy care centers for their unique, positive contributions to the individual lives of women, men, and babies—both born and unborn; and be it further

Resolved, That the Legislature recognizes the compassionate work of tens of thousands of volunteers and paid staff at pregnancy care centers in Utah and across the United States; and be it further

Resolved, That the Legislature of the state of Utah strongly encourages the United States Congress and other federal and government agencies to grant pregnancy care centers assistance for medical equipment and abstinence education in a manner that does not compromise the mission or religious integrity of these organizations; and be it further

Resolved, That the Legislature of the state of Utah expresses disapproval of the actions of any national, state, or local groups attempting to prevent pregnancy care centers from effectively serving women and men in relation to unplanned pregnancies; and be it further

Resolved, That a copy of this resolution be sent to each pregnancy care center in Utah, the President of the United States, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, and to the members of Utah's congressional delegation.

POM–119. A concurrent resolution adopted by the Legislature of the State of Utah urging Congress to continue the Navajo Electrification Demonstration Project and fund it so that the entire Navajo Nation may receive electricity; to the Committee on Indian Affairs.

HOUSE CONCURRENT RESOLUTION

Whereas, the Navajo Electrification Demonstration Project was created by the United States Congress and extended to provide funding for the rural electrification of homes on the Navajo Nation Reservation that are not currently being served;

Whereas, under the original law, Navajo Electrification Demonstration Project funding was authorized at an annual level of $15,000,000 for five years;

Whereas, to date, only $14,500,000, including a fiscal year 2011 allocation $1,750,000, has been appropriated to the Navajo Tribal Utility Authority out of the original congressional authorization of $75,000,000;

Whereas, the Navajo Electrification Demonstration Project expands traditional sources of power and implements renewable energy sources and other advanced electric power technologies;

Whereas, the funds are funneled through the United States Department of Energy and disbursed as giants to the Navajo Nation to provide electricity to approximately 18,000 homes on the Navajo reservation that currently lack this basic service;

Whereas, the act also authorized the United States Department of Energy to provide technical support to the Navajo Nation in the use of advanced power technologies; and

Whereas, despite the passage of laws creating the Navajo Electrification Demonstration Project, Congress must act to appropriate the funds in order for the money to be distributed to the project: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to reauthorize and continue the Navajo Electrification Demonstration Project; and be it further

Resolved, That the Legislature and the Governor urge the United States Congress to fund the Navajo Electrification Demonstration Project to provide the necessary funding of $15,000,000 per year for five years, so that the basic necessity of electricity can become available to the entire Navajo Nation; and be it further

Resolved, That a copy of this resolution be sent to the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the Navajo Nation, and to the members of Utah's congressional delegation.

POM–120. A concurrent resolution adopted by the Legislature of the State of Utah urging the United States Congress to quickly pass legislation to establish a new management structure to protect the ability of Utah Navajo residents in San Juan County to receive the benefit of Navajo Trust Fund money; to the Committee on Indian Affairs.

HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the United States Congress, in 1933 and again in 1968, authorized the state of Utah to receive 37.5% of the royalties from the production of mineral leases on that portion of the Navajo Reservation in Utah, to be expended for the benefit of the Navajo residents of San Juan County, Utah;

Whereas, oil and gas was discovered in commercial quantities within the boundaries of the Utah portion of the Navajo Reservation in the mid-1950's, and production has continued until the current day;

Whereas, the state of Utah has managed the royalty receipts for the health, education, and welfare of Utah Navajos since that time;

Whereas, the state of Utah managed the funds for many years through a state governmental entity known as the Navajo Trust Fund (Fund);

Whereas, the state of Utah indicated its desire to resign as trustee of the fund in the 2008 General Session of the Utah Legislature in order to allow the Utah Navajo residents of San Juan County the ability to manage the royalty receipts themselves;

Whereas, the Navajo Trust Fund was repealed, effective June 30, 2008, and authority to manage the funds was transferred to the Department of Administrative Services, which created the Utah Navajo Royalties Holding Fund to manage expenditures until a successor management entity could be Congressionally authorized;

Whereas, the Navajo Trust Fund was required to decline any further projects for approval after the statutorily created May 2008 cut-off date, except for applications for assisting new Navajo students with their secondary education expenses;

Whereas, the Utah Navajo Royalties Holding Fund has been winding down expenditures from the activities of the Navajo Trust Fund by completing projects authorized before the May 2008 cut-off date, and by assisting students;

Whereas, the authority to expend funds for any project authorized before the cut-off date in May 2008 expired January 1, 2012, except for new students, which authority expires at the end of June 2012;

Whereas, the Utah Navajo Royalties Holding Fund will begin the process of accounting for all assets of the Fund in preparation for an efficient transfer to the expected Congressionally authorized successor management entity;

Whereas, the State of Utah desires to turn the funds over to a successor management entity as soon as feasible in order to allow the Navajo residents of Utah to manage the funds for their own benefit;

Whereas, Utah Navajos have a great need for expenditure of the royalty receipts for secondary education, housing, power lines, water lines, healthcare, and the creation of jobs, among other pressing needs;

Whereas, Utah's Congressional delegation has been asked to sponsor and advance legislation through the United States Congress designating a successor management entity; and

Whereas, this legislation has not advanced through Congress to this point, and action does not appear imminent: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, urges the United States Congress to quickly pass legislation establishing a successor management structure that protects the ability of the Utah Navajo residents of San Juan County to receive the benefit of Navajo Trust Fund money; and be it further

Resolved, That the Legislature and the Governor urge the United States Congress to expedite the required transfer of assets so that Utah's Navajo residents may again receive the benefit of these funds; and be it further

Resolved, That a copy of this resolution be sent to the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, the Chair of the United States House of Representatives' Natural Resources Committee's Subcommittee on Indian and Alaska Native American Affairs, the Chair of the United States Senate Committee on Indian Affairs, and to the members of Utah's congressional delegation.

POM–121. A concurrent resolution adopted by the Legislature of the State of Utah recognizing the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 4

Whereas, on January 4, 2012, Agent Jared Daniel Francom of the Ogden Police Department, serving on the Weber-Morgan Narcotics Strike Force, was fatally wounded serving a search warrant on a residence in Ogden, Utah;

Whereas, Officer Michael Rounkles, Agent Kasey Burrell, and Agent Shawn Grogan of the Ogden Police Department were also wounded in the shooting;

Whereas, Agent Nate Hutchinson, a sergeant in the Weber County Sheriff's Office was also wounded in the shooting;

Whereas, Agent Jason Vanderwarf of the Roy Police Department was also injured in the shooting;

Whereas, the officers on the Weber-Morgan Narcotics Task Force acted quickly and bravely to subdue the suspect, preventing further injury and loss of life;

Whereas, Officer Michael Rounkles, responding to the scene in the course of his patrol duties, displayed incredible courage above and beyond the call of duty in his efforts to rescue and defend the agents of the Task Force who had come under fire;

Whereas, Agent Jared Daniel Francom served with the Ogden Police Department for eight years;

Whereas, Agent Jared Daniel Francom served his community with honor and distinction;

Whereas, Utah has come together to mourn and honor Agent Jared Daniel Francom, with an estimated 4,000 people attending his funeral on January 11, 2012, in Ogden, Utah; and

Whereas, the injury or loss of any police officer is a reminder of the risks taken by all the men and women of law enforcement on behalf of their communities: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, recognizes and honors the sacrifice of Agent Jared Daniel Francom; and be it further

Resolved, That the Legislature and the Governor extend their deepest condolences to the family and friends of Agent Jared Daniel Francom; and be it further

Resolved, That the Legislature and the Governor express their wishes that Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan will have a full and speedy recovery; and be it further

Resolved, That the Legislature and the Governor express their wishes that Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office, and Roy Police Officer Agent Jason Vanderwarf will have a full and speedy recovery; and be it further

Resolved, That the Legislature and the Governor recognize the remarkable courage and honor displayed by the men and women in law enforcement and the risks they take to keep their communities safe; and be it further

Resolved, That a copy of this resolution be sent to the family of Agent Daniel Francom; to Ogden Police Officers Michael Rounkles, Kasey Burrell, and Shawn Grogan; to Agent Nate Hutchinson, sergeant in the Weber County Sheriff's Office; to Roy Police Officer Agent Jason Vanderwarf; to the Ogden City Police Department; to the Weber County Sheriff's Office; to the Roy Police Department; and to the members of Utah's congressional delegation.

POM–122. A memorial adopted by the Legislature of the State of Florida urging Congress to propose to the states an amendment to the Constitution of the United States that would limit the consecutive terms of office which a member of the United States Senate or the United States House of Representatives may serve; to the Committee on the Judiciary.

HOUSE MEMORIAL NO. 83

Whereas, Article V of the Constitution of the United States authorizes Congress to propose amendments to the Constitution which shall become valid when ratified by the states, and

Whereas, a continuous and growing concern has been expressed that the best interests of this nation will be served by limiting the terms of members of Congress, a concern expressed by the founding fathers, incorporated into the Articles of Confederation, attempted through legislation adopted by state legislatures, and documented in recent media polls: Now, therefore, be it

Resolved by the Legislature of the State of Florida, That the Florida Legislature respectfully petitions the Congress of the United States to propose to the states an amendment to the Constitution of the United States to limit the number of consecutive terms which a person may serve in the United States Senate or the United States House of Representatives; and be it further

Resolved, That copies of this memorial be dispatched to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

POM–123. A resolution adopted by the Senate of the State of Rhode Island memorializing the Congress of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; to the Committee on the Judiciary.

SENATE RESOLUTION NO. 2063

Whereas, The Republic of Poland is a free, democratic, and independent nation; and

Whereas, The Republic of Poland is an integral member of the European Union and the North Atlantic Treaty Organization; and

Whereas, The Republic of Poland has been and continues to be a proven, indispensable, loyal friend and ally of the United States in the global campaign against terrorism in Iraq, Afghanistan, and elsewhere; and

Whereas, All citizens of the nations constituting the European Union enjoy travel to the United States visa-free as provided by the Visa Waiver Program of the United States Department of State, except for the citizens of Poland, Bulgaria, Cyprus, Malta, and Romania; and

Whereas, The state legislatures of Massachusetts (May 2004), New Jersey (October 2004), Vermont (January 2005), Pennsylvania (April 2005), Connecticut and Maine (May 2005), Nebraska, New York, and Ohio (June 2005), Michigan (June 2006), Arizona (April 2007). Illinois (October 2007), and Massachusetts again (July 2010) passed Visa Waiver for Poland Resolutions in response to their American citizens of Polish decent; and

Whereas, Among the nearly ten million Americans of Polish descent in the nation, the 46,707 Americans of Polish descent in Rhode Island also are dissapointed and dismayed that Poland, the nation that provided America with the services of Thaddeus Kosciuszko, who engineered the victory at Saratoga and designed the fortifications at West Point and Casimir Pulaski, the ''father of the United States Calvary'' during our ''Glorious Cause'' in the War for Independence from Great Britain, is currently excluded from our nation's Visa Waiver Program; Now, therefore be it

Resolved, That this Senate of the State of Rhode Island and Providence Plantations hereby respectfully urges the Congress and the President of the United States to take immediate action to make the Republic of Poland eligible for the United States Department of State's Visa Waiver Program; and be it further

Resolved, The Secretary of State be and he hereby is authorized and directed to transmit duly certified copies of this resolution to the clerk of House of Representatives, the President of the United States, the United States Secretary of State, the Secretary of Homeland Security, the Presiding Officers of each chamber of the United States Congress, the members of the Rhode Island Congressional Delegation, and to His Excellency Robert Kupiecki, Ambassador of the Republic of Poland to the United States.

POM–124. A concurrent resolution adopted by the Legislature of the State of Utah expressing support for the establishment of a fund for the assistance of families of fallen police officers in Utah; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION NO. 1

Whereas, the Utah 1033 Foundation is named for the police radio code for an officer in trouble;

Whereas, this non-profit foundation was established with private donations and is sustained through a combination of continuing

donations, corporate donors, institutional grant funding, and fundraising events;

Whereas, the primary purpose of the 1033 Foundation is to help the families of slain police officers in Utah;

Whereas, the day after the death of a police officer in the line of duty, someone from the Foundation will visit the widow or widower and deliver a $25,000 check;

Whereas, eventually, the Foundation hopes to have an endowment to provide college scholarships for the children of living and deceased Utah police officers;

Whereas, it is also hoped that in the future it will be possible to extend the Foundation's service to include the families of fallen firefighters;

Whereas, the fund began as an idea of Tore and Mona Steen, residents of Park City;

Whereas, a native of Norway, Tore received a scholarship after serving in that nation's air force and moved to the United States to attend college;

Whereas, Tore enjoyed great success in the banking and financial industries, and while living in New York, he was involved in advisory capacities with the departments of police, corrections, and housing;

Whereas, as a result of these experiences, and after being invited to ride with two New York City police officers who were called to a domestic dispute, Tore realized, in a small but very real and personal way, what dangers police officers can face every day;

Whereas, many years later, the husband of Mona's daughter's former college roommate, a Colorado Springs police detective, was slain while trying to apprehend a suspect wanted for attempted murder;

Whereas, these brushes with the tragedy and devastation brought to the families of officers killed in the line of duty drove the Steens to form the 1033 Foundation;

Whereas, their efforts continue with the help of many others, including Wade Carpenter, Park City Police Chief; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy, P.C.; and Zions Bank;

Whereas, the 1033 Foundation has made it easy for individuals and organizations to donate to the fund by going to utah1033.org; and

Whereas, by providing financial and, eventually, scholarship assistance, the 1033 Foundation hopes to provide a means to lift some of the crushing burdens upon the families of Utah's police officers killed in the line of duty: Now, therefore, be it

Resolved, That the Legislature of the state of Utah, the Governor concurring therein, expresses support for the efforts of the 1033 Foundation to assist the families of fallen police officers in Utah in their moments of greatest need; and be it further

Resolved, That the Legislature and the Governor express appreciation to Tore and Mona Steen, who saw a need and became personally invested in serving the families of slain police officers in Utah, and wish them well in their continuing efforts to serve the citizens of Utah; and be it further

Resolved, That the Legislature and the Governor express appreciation to those who have participated in the efforts of the 1033 Foundation and made donations to help those in need; and be it further

Resolved, That a copy of this resolution be sent to Tore and Mona Steen; Park City Police Chief Wade Carpenter; the Law Firm of Van Cott, Bagley, Cornwall & McCarthy; Zions Bank President Scott Anderson; Park City Mayor Dana Williams; Summit County Sheriff Dave Edmunds; KPMG Salt Lake City; Utah Department of Public Safety Director Lance Davenport; Colonel Danny Fuhr of the Utah Highway Patrol; the Utah Chiefs of Police Association; the Utah Sheriffs Association; the Utah Peace Officers Association; the Utah Highway Patrol; Utah Fraternal Order of Police; Howard Wallack; and the members of Utah's congressional delegation.

POM–125. A joint resolution adopted by the Legislature of the State of California calling on the United States Congress to pass the Violence Against Women Act of 2011; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 20

Whereas, The Violence Against Women Act (VAWA) was developed with the input of advocates from around the country and from all walks of life, and addresses the real and most important needs of victims of domestic violence, sexual assault, dating violence, and stalking. VAWA is responsive, streamlined, and constitutionally and fiscally sound, while providing strong accountability measures and appropriate federal government oversight; and

Whereas, VAWA represents the voices of women and their families, and the voices of victims, survivors, and advocates; and

Whereas, VAWA was first enacted in 1994, and has been the centerpiece of the federal government's efforts to stamp out domestic and sexual violence. Critical programs authorized under VAWA include support for victim services, transitional housing, and legal assistance; and

Whereas, Domestic violence, sexual assault, dating violence, and stalking, once considered private matters to be dealt with behind closed doors, have been brought out of the darkness; and

Whereas, VAWA has been successful because it has had consistently strong, bipartisan support for nearly two decades; and

Whereas, The Violence Against Women Reauthorization Act of 2011 will provide a five-year reauthorization for VAWA programs, and reduce authorized funding levels by more than $144 million, or 19 percent, from the law's 2005 authorization; and

Whereas, While annual rates of domestic violence have dropped more than 50 percent, domestic violence remains a serious issue. Every day in the United States, three women are killed by abusive husbands and partners. In California in 2010, there were 166,361 domestic violence calls, including more than 65,000 that involved a weapon; and

Whereas, The Violence Against Women Reauthorization Act of 2011 includes several updates and improvements to the law, including the following:

(a) An emphasis on the need to effectively respond to sexual assault crime by adding new purpose areas and a 25 percent set-aside in the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grant Program (STOP Program) and the Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program.

(b) Improvements in tools to prevent domestic violence homicides by training law enforcement, victim service providers, and court personnel to identify and manage high-risk offenders and connecting high-risk victims to crisis intervention services.

(c) Improvements in responses to the high rate of violence against women in tribal communities by strengthening concurrent tribal criminal jurisdiction over perpetrators who assault Indian spouses and dating partners in Indian countries.

(d) Measures to strengthen housing protections for victims by applying existing housing protections to nine additional federal housing programs.

(e) Measures to promote accountability to ensure that federal funds are used for their intended purposes.

(f) Consolidation of programs and reductions in authorization levels to address fiscal concerns, and renewed focus on programs that have been most successful.

(g) Technical corrections to update definitions throughout the law to provide uniformity and continuity; and

Whereas, There is a need to maintain services for victims and families at the local, state, and federal levels. Reauthorization would allow existing programs to continue uninterrupted, and would provide for the development of new initiatives to address key areas of concern. These initiatives include the following:

(a) Addressing the high rates of domestic violence, dating violence, and sexual assault among women 16 to 24 years of age, inclusive, by combating tolerant youth attitudes toward violence.

(b) Improving the response to sexual assault with best practices, training, and communication tools for law enforcement, as well as health care and legal professionals.

(c) Preventing domestic violence homicides through enhanced training for law enforcement, advocates, and others who interact with those at risk. A growing number, of experts agree that these homicides are predictable, and therefore preventable, if we know the warning signs: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature calls on the United States Congress to pass the Violence Against Women Reauthorization Act of 2011, Senate Bill No. 1925 authored by Senators Leahy and Crapo, and ensure the sustainability of vital programs designed to keep women and families safe from violence and abuse; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM–126. A concurrent resolution adopted by the Legislature of the State of Louisiana memorializing the United States Congress to take such actions as are necessary to prevent the retirement of A–10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 115

Whereas, established in 1932, the Barksdale Air Force Base (AFB), a United States Air Force Base located approximately 4.72 miles east-southeast of Bossier City, Louisiana, is named for World War I aviator and test pilot 2nd Lieutenant Eugene Hoy Barksdale (1896–1926); and

Whereas, Barksdale Air Force Base has proudly served Arkansas, Louisiana, and Texas for more than sixty-seven years and is home to the 2d Bomb Wing, 2d Mission Support Group, 2d Operations Group, 2d Maintenance Group, the 2d Medical Group, 8th Air Force Museum, and the Air Force Reserve's 917th Wing; and

Whereas, in December 1999, the 917th Wing received the Air Force outstanding Unit Award, for winning the Chief of Staff Team Excellence Award and Secretary of Defense Award for Self-Inspection Tracking System. The award noted the unit's sponsorship of the Starbase program, which creates interest for local children in math, science, and technology by using an aviation theme; and

Whereas, Barksdale Air Force Base has grown into a major source of revenue and employment for the region by providing jobs for nearly ten thousand military and civilian employees and in 2006, under Base Realignment and Closure (BRAC), the 917th Wing

gained eight A–10 aircraft and a number of full-time and part-time employment positions; and

Whereas, as part of a wide-ranging plan to reduce its total aircraft inventory, the Obama administration intends to propose in the 2013 budget request, the elimination of twenty-four A–10 aircraft that comprise the Air Force Reserve's 917th Fighter Group at Barksdale Air Force Base; and

Whereas, the Air Force plans to rebalance its overall ratio of regular, reserve, and Air National Guard forces at about sixty installations in thirty-three states and retire two hundred twenty-seven aircraft to support a new defense strategy known as the ''Air Force Strategy and Structure Overview''; and

Whereas, for nearly eighty years the 917th Wing at Barksdale Air Force Base and the Shreveport-Bossier community have enjoyed a strong partnership, which provides jobs to the community and programs for the local children, and the elimination of the A–10 aircraft will have an adverse effect on not only the economy but the community as well. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize congress to take such actions as are necessary to oppose the elimination of A–10 aircraft assigned to the 917th Fighter Group, based at Barksdale Air Force Base; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–127. A joint resolution adopted by the Legislature of the State of California urging the United States Congress to immediately enact the Achieving a Better Life Experience Act of 2011; to the Committee on Finance.

SENATE JOINT RESOLUTION NO. 18

Whereas, Many families are searching for a way to plan for the future of a child with developmental disabilities, which are costly to society and to families; and

Whereas, The Achieving a Better Life Experience Act of 2011 (ABLE Act), proposed in H.R. 3423 and S. 1872 and currently debated by Congress, would create disability savings accounts for individuals with developmental or other disabilities and their families, as a way to save for future needs with funds that could accrue interest tax free; and

Whereas, The ABLE Act would give individuals with developmental or other disabilities and their families an option for saving for their future financial needs in a way that supports their unique situation and makes it more feasible to live full and productive lives in their communities; and

Whereas, While many families are currently able to save for the educational needs of children through ''529'' college tuition plans, these plans do not fit the needs of children with developmental or other disabilities; and

Whereas, Many families recognize that loved ones with developmental or other disabilities may live for many decades beyond the ability of the parents or other family members to provide financial assistance and support; and

Whereas, Many families also want to ensure the financial security of family members who have the level of disability required for Medicaid eligibility, but for now, are managing to function without the use of those benefits and state resources; and

Whereas, The ABLE Act would create a savings fund for those with developmental or other disabilities that could be drawn upon for a variety of essential expenses, including medical and dental care, education and employment training and support, assistive technology, housing and transportation, personal support services, and other expenses for life necessities; and

Whereas, Savings accounts opened under the ABLE Act would provide substantial flexibility to meet the specific needs of the individual, with a broad array of allowable expenses and no age limitations so that these funds can be used whenever they are needed; and

Whereas, The flexibility in expenses would also allow families to save with confidence even though they cannot always predict how independent their child will become: Now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature urges the President and the Congress of the United States to immediately enact the Achieving a Better Life Experience Act of 2011 (ABLE Act); and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, to the President pro Tempore of the United States Senate, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the author for appropriate distribution.

POM–128. A resolution adopted by the Odessa Chamber of Commerce, Odessa, Texas, in support of retaining top foreign students earning degrees in the fields of science, technology, engineering and mathematics (STEM) from American Universities; to the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Sean Sullivan, of Connecticut, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2015.

Air Force nomination of Colonel Edward E. Metzgar, to be Brigadier General.

Air Force nomination of Col. Russ A. Walz, to be Brigadier General.

*Air Force nomination of Gen. Mark A. Welsh III, to be General.

Air Force nomination of Brig. Gen. Timothy M. Ray, to be Major General.

Air Force nomination of Lt. Gen. Paul J. Selva, to be General.

Air Force nomination of Maj. Gen. Joseph L. Lengyel, to be Lieutenant General.

Air Force nomination of Brig. Gen. Howard D. Stendahl, to be Major General.

Army nomination of Brig. Gen. Lawrence W. Brock, to be Major General.

Army nomination of Brig. Gen. Reynold N. Hoover, to be Major General.

Army nomination of Maj. Gen. James O. Barclay III, to be Lieutenant General.

Army nomination of Lt. Gen. Donald M. Campbell, Jr., to be Lieutenant General.

*Army nomination of Lt. Gen. Frank J. Grass, to be General.

Army nomination of Maj. Gen. David R. Hogg, to be Lieutenant General.

Army nomination of Brig. Gen. Joyce L. Stevens, to be Major General.

Navy nomination of Vice Adm. Allen G. Myers, to be Vice Admiral.

Navy nominations beginning with Captain John D. Alexander and ending with Captain Ricky L. Williamson, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2012.

Navy nomination of Vice Adm. John M. Richardson, to be Admiral.

Navy nomination of Rear Adm. David A. Dunaway, to be Vice Admiral.

*Marine Corps nomination of Lt. Gen. John F. Kelly, to be General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Jolene A. Ainsworth and ending with David C. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 23, 2012.

Air Force nominations beginning with Uchenna L. Umeh and ending with Daniel X. Choi, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Catherine M. Fahling and ending with Le T. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Air Force nominations beginning with Sean J. Hislop and ending with Lucas P. Neff, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Karen A. Baldi, to be Colonel.

Army nomination of Christopher W. Soika, to be Colonel.

Army nomination of Luis A. Riveraberrios, to be Colonel.

Army nomination of Kimon A. Nicolaides, to be Colonel.

Army nominations beginning with Penny P. Kalua and ending with Joseph A. Trinidad, which nominations were received by the Senate and appeared in the Congressional Record on June 25, 2012.

Army nominations beginning with Chad S. Abbey and ending with Jared K. Zotz, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Jeffrey E. Aycock and ending with Eric W. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nominations beginning with Brent A. Beckley and ending with Stephen J. Ward, which nominations were received by the Senate and appeared in the Congressional Record on July 17, 2012.

Army nomination of Brian J. Eastridge, to be Colonel.

Navy nominations beginning with Joel A. Ahlgrim and ending with Mark L. Woodbridge, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with John E. Bissell and ending with Stephen S. Yune, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Robert L. Anderson II and ending with Carol B. Zwiebach, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Marc S. Brewen and ending with Dustin E. Wallace,

which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Lucelina B. Badura and ending with William A. Young, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Jason W. Adams and ending with Shawn M. Triggs, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with David L. Cline and ending with David S. Yang, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

Navy nominations beginning with Emily Z. Allen and ending with Jonathan P. Witham, which nominations were received by the Senate and appeared in the Congressional Record on July 11, 2012.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. SHAHEEN (for herself and Ms. COLLINS):

S. 3430. A bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 3431. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mr. COBURN):

S. 3432. A bill to prevent identity theft and tax fraud; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3433. A bill to require a radio spectrum inventory of bands managed by the Federal Communications Commission and the National Telecommunications & Information Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. PORTMAN (for himself, Mr. TESTER, Mr. BOOZMAN, Mr. COATS, Mr. BARRASSO, Mr. LEE, Mr. MCCAIN, Mr. ENZI, Mr. HOEVEN, Mr. CORNYN, Mr. COBURN, Mr. WICKER, Mr. RISCH, Mr. BURR, Mr. CRAPO, Mr. ISAKSON, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. MCCONNELL, and Mr. TOOMEY):

S. 3434. A bill to amend title 31, United States Code, to provide for automatic continuing resolutions; to the Committee on Appropriations.

By Mrs. GILLIBRAND:

S. 3435. A bill to designate the facility of the United States Postal Service located at 26 East Genesee Street in Baldwinsville, New York, as the ''Corporal Kyle Schneider Post Office Building''; to the Committee on Homeland Security and Governmental Affairs.

By Mr. FRANKEN (for himself, Mrs. MURRAY, and Mr. SANDERS):

S. 3436. A bill to amend the Child Care and Development Block Grant Act of 1990 to improve the quality of infant and toddler care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY:

S. 3437. A bill to amend the Natural Gas Act to provide assistance to States to carry out initiatives to promote the use of natural gas as a transportation fuel and public and private investment in natural gas vehicles and transportation infrastructure; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI (for herself, Mr. HOEVEN, Mr. WEBB, Ms. LANDRIEU, Mr. INHOFE, Mr. WARNER, Mr. BARRASSO, and Mr. BEGICH):

S. 3438. A bill to require the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil and Gas Leasing Program: 2012–2017 and conduct additional oil and gas lease sales to promote offshore energy development in the United States for a more secure energy future, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3439. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireline broadband networks; to the Committee on Environment and Public Works.

By Mrs. MCCASKILL (for herself, Mr. PRYOR, and Mr. TESTER):

S. 3440. A bill to extend estate and gift tax rules for 1 year; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. NELSON of Florida, and Mrs. FEINSTEIN):

S. 3441. A bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes; to the Committee on Armed Services.

By Ms. LANDRIEU:

S. 3442. A bill to provide tax incentives for small businesses, improve programs of the Small Business Administration, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER (for himself, Mr. HARKIN, Mrs. MURRAY, and Mr. MANCHIN):

S. 3443. A bill to improve compliance with mine and occupational safety and health laws, empower workers to raise safety concerns, prevent future mine and other workplace tragedies, and establish rights of families of victims of workplace accidents, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATCH (for himself and Mr. CORNYN):

S. Con. Res. 54. A concurrent resolution stating that it is the policy of the United States to oppose the sale, shipment, performance of maintenance, refurbishment, modification, repair, and upgrade of any military equipment from or by the Russian Federation to or for the Syrian Arab Republic; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 202

At the request of Mr. PAUL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 752

At the request of Mrs. FEINSTEIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 752, a bill to establish a comprehensive interagency response to reduce lung cancer mortality in a timely manner.

S. 847

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 881

At the request of Ms. LANDRIEU, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 881, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide substantive rights to consumers under such agreements, and for other purposes.

S. 1215

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 1215, a bill to provide for the exchange of land located in the Lowell National Historical Park, and for other purposes.

S. 1258

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1258, a bill to provide for comprehensive immigration reform, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Texas (Mr. CORNYN), the Senator from Washington (Mrs. MURRAY), the Senator from Colorado (Mr. UDALL), the Senator from Florida (Mr. RUBIO), the Senator from Delaware (Mr. CARPER) and the Senator from Alabama (Mr. SHELBY) 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. 1685

At the request of Mr. WEBB, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1685, a bill to amend the Internal Revenue Code of 1986 to allow rehabilitation expenditures for public school buildings to qualify for rehabilitation credit.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Indiana (Mr. COATS) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from Texas (Mrs. HUTCHISON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mr. REID, his name was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

At the request of Mrs. HAGAN, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 1935, supra.

S. 2172

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 2172, a bill to remove the limit on the anticipated award price for contracts awarded under the procurement program for women-owned small business concerns, and for other purposes.

S. 2205

At the request of Mr. MORAN, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second Amendment rights of United States citizens.

S. 2215

At the request of Mr. DURBIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

S. 2297

At the request of Mr. MANCHIN, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 2297, a bill to amend the Controlled Substances Act to make any substance containing hydrocodone a schedule II drug.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3204

At the request of Mr. JOHANNS, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. GRASSLEY), the Senator from Louisiana (Mr. VITTER), the Senator from Utah (Mr. HATCH), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Oklahoma (Mr. COBURN), the Senator from Alabama (Mr. SESSIONS), the Senator from Indiana (Mr. COATS), the Senator from Kentucky (Mr. PAUL), the Senator from South Carolina (Mr. DEMINT), the Senator from Kansas (Mr. ROBERTS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3313

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3313, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes.

S. 3381

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3381, a bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3395

At the request of Mr. MERKLEY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3395, a bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs.

S. 3397

At the request of Mr. HATCH, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 3397, a bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes.

S. 3409

At the request of Mr. LEE, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 3409, a bill to address the forest health, public safety, and wildlife habitat threat presented by the risk of wildfire, including catastrophic wildfire, on National Forest System land and public land managed by the Bureau of Land Management by requiring the Secretary of Agriculture and the Secretary of the Interior to expedite forest management projects relating to hazardous fuels reduction, forest health, and economic development, and for other purposes.

S. 3428

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3428, a bill to amend the Clean Air Act to partially waive the renewable fuel standard when corn inventories are low.

S. 3429

At the request of Mr. NELSON of Florida, the name of the Senator from New

York (Mr. SCHUMER) was added as a cosponsor of S. 3429, a bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Kansas (Mr. MORAN), the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from South Dakota (Mr. THUNE) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

S. RES. 525

At the request of Mr. NELSON of Florida, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. Res. 525, a resolution honoring the life and legacy of Oswaldo Paya Sardinas.

AMENDMENT NO. 2569

At the request of Mrs. HUTCHISON, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2569 intended to be proposed to S. 3412, a bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WHITEHOUSE (for himself and Mr. HATCH):

S. 3431. A bill to amend the Controlled Substances Act to more effectively regulate anabolic steroids; to the Committee on the Judiciary.

Mr. WHITEHOUSE. Mr. President, today I am pleased to join Senator HATCH in introducing the bipartisan Designer Anabolic Steroid Control Act of 2012. This measure will help keep American children and families safe from dangerous designer drugs that masquerade as healthy dietary supplements. This legislation is based on Senator Specter's work in the previous Congress, and I thank him for his leadership on this issue.

Doctors and scientists have long recognized the health hazards of non-medical use of anabolic steroids. For that reason, Congress has previously acted to ensure that these drugs are listed as controlled substances. Nonetheless, according to investigative reporting and Congressional testimony, a loophole in current law allows for designer anabolic steroids to easily be found on the Internet, in gyms, and even in retail stores.

Designer steroids are produced by reverse engineering existing illegal steroids and then slightly modifying the chemical composition, so that the resulting product is not on the Drug Enforcement Administration's, DEA, list of controlled substances. When taken by consumers, designer steroids can cause serious medical consequences, including liver injury and increased risk of heart attack and stroke. They may also lead to psychological effects such as aggression, hostility, and addiction.

These designer products can be even more dangerous than traditional steroids because they are often untested, produced from overseas raw materials, and manufactured without quality controls. As one witness testified at a Crime Subcommittee hearing in the last Congress, ''all it takes to cash in on the storefront steroid craze is a credit card to import raw products from China or India where most of the raw ingredients come from, the ability to pour powders into a bottle or pill and a printer to create shiny, glossy labels.''

The unscrupulous actors responsible for manufacturing and selling these products often market them with misleading and inaccurate labels. That can cause consumers who are looking for a healthy supplement—not just elite athletes, but also high school students, law enforcement personnel, and mainstream Americans—to be deceived into taking these dangerous products.

Loopholes in existing law allow these dangerous designer steroids to evade regulation. Under current law, in order to classify new substances as steroids, the DEA must complete a burdensome and time-consuming series of chemical and pharmacological testing. As a DEA official testified before Congress: ''in the time that it takes DEA to administratively schedule an anabolic steroid used in a dietary supplement product, several new products can enter the market to take the place of those products.''

The Designer Anabolic Steroid Control Act of 2012 would quickly protect consumers from these dangerous products. First, it would immediately place 27 known designer anabolic steroids on the list of controlled substances. Second, it would grant the DEA authority to temporarily schedule new designer steroids on the controlled substances list, so that if bad actors develop new variations, these products can be removed from the market. Third, it would create new penalties for importing, manufacturing, or distributing anabolic steroid's under false labels.

Senator HATCH and I have worked closely with a range of consumer and industry organizations to ensure that this legislation would not interfere with consumers' access to legitimate dietary supplements. I am pleased that the measure has been endorsed by the United States Anti-Doping Agency, the Alliance for Natural Health, the Council for Responsible Nutrition, the American Herbal Products Association, the Natural Products Association, the Consumer Health Products Association, and the United Natural Products Alliance.

I thank these organizations for their support, and look forward to working with them, with Senator HATCH, and with colleagues from both sides of the aisle to enact this common sense measure into law.

Mr. President, I ask unanimous consent that letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

AMERICAN HERBAL PRODUCTS ASSOCIATION,
Silver Spring, MD, July 23, 2012.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.
Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATORS HATCH AND WHITEHOUSE, This letter is to communicate to you the support of the American Herbal Products Association (AHPA) for your pending legislation, the Designer Anabolic Steroid Control Act of 2012. AHPA recognizes the need to more effectively regulate anabolic steroids, as this bill's amendment of the Controlled Substances Act would do. The expanded controls on these substances that would be implemented by your legislation would protect consumers by better ensuring that these are not misrepresented as legitimate dietary supplements, when clearly they are not.

Please do not hesitate to contact me if there is anything that AHPA and its members can do to assist in the passage of this important legislation.

Sincerely,

MICHAEL MCGUFFIN,
President.

NATURAL PRODUCTS ASSOCIATION,
Washington, DC, July 23, 2012.

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

SENATOR HATCH, I write today on behalf of the Natural Products Association (NPA) to thank you for introducing the Designer Anabolic Steroid Control Act of 2012 (DASCA). As the leading representative of the dietary supplement industry with over 1,900 members, including suppliers and retailers of vitamins and other dietary supplements, NPA works to ensure that consumers have access to safe dietary supplements. We believe that this bill will make the marketplace safer.

Our support for this legislation demonstrates NPA's commitment to removing anabolic steroids, which are not dietary ingredients, from the market. NPA has worked in conjunction with the FDA to bring attention to spiked products masquerading as dietary supplements. This bill helps protect consumers who believe they are purchasing ''legal'' supplements but may suffer health effects from steroid use.

Even with the passage of the Anabolic Steroid Control Act of 2004, the Drug Enforcement Administration (DEA) has removed very few substances. The DEA has to follow a strict set of testing standards to schedule a substance and remove it from the market. This process can take up to three years to complete; but while this process is taking place, the products remain on the market. This bill gives the DEA the power to temporarily remove products from the market while testing is completed, giving them the ability to stay ahead of the individuals who are creating these designer drugs.

Thank you for introducing this important legislation and your tireless work on behalf of the dietary supplement industry.

Regards,

JOHN SHAW,
NPA Executive Director and CEO.

COUNCIL FOR RESPONSIBLE NUTRITION,
July 20, 2012.

Re Designer Anabolic Steroid Control Act (DASCA).

Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.
Hon. SHELDON WHITEHOUSE,
U.S. Senate,
Washington, DC.

DEAR SENATORS HATCH AND WHITEHOUSE: On behalf of the Council for Responsible Nutrition (CRN)[1] and its members, I am writing to express our support for the Designer Anabolic Steroid Control Act (DASCA). We want to thank you both for your commitment to providing the Drug Enforcement Administration (DEA) with new authority to place designer anabolic steroids on the Controlled Substance Schedules more expeditiously and providing that agency with new tools to quickly respond when new anabolic substances are introduced. This legislation will provide DEA with new enforcement tools to prosecute irresponsible and disreputable companies that develop and market anabolic steroids as products labeled as dietary supplements. Your efforts in this regard are laudable, and CRN stands in support of your legislation.

Misbranded products that contain designer anabolic steroids present serious health risks to consumers, particularly young men who are unaware of the dangers of anabolic steroid use. Maintaining the trust of consumers in the safety and benefit of dietary supplements is essential to preserving a vibrant market for legitimate dietary supplements. Currently, unscrupulous companies can design these illicit substances and illegally introduce them into the dietary supplement marketplace before DEA can demonstrate their anabolic effects and declare them controlled substances under the present law. We believe DASCA's provisions will go a long way to help DEA more quickly identify and restrict new designer anabolic steroids by declaring them to be ''controlled substances.'' It will allow DEA to target substances whose chemical structures mimic other anabolic steroids and whose manufacturers and marketers promote their anabolic or muscle-building effects. This legislation will assuage concerns of Americans who use sports supplements, and foster an even greater working relationship between FDA, DEA and responsible, mainstream industry. DASCA is strong step forward, adding teeth to prevention and enforcement efforts in the battle against steroid abuse.

CRN understands that you intend to request this legislation be referred to the Senate Judiciary Committee, whose jurisdiction traditionally handles DEA and controlled substance issues. We hope the committee will give the legislation expedient and thoughtful consideration on its way to passage by the full Senate, and are eager to work with your office to ensure that the Judiciary Committee understands the concerns of industry and consumers that have led to this bill. CRN stands ready to work with you and all of Congress to deliver a strong bill to the President.

Please don't hesitate to contact me or Mike Greene on my staff at 202–204–7690 or mgreene@crnusa.org if CRN may be of any assistance in your endeavors.

Best regards,

STEVE MISTER,
President and CEO.

UNITED NATURAL PRODUCTS ALLIANCE,
Salt Lake city, UT, July 23, 2012.

Hon. SHELDON WHITEHOUSE,
Hon. ORRIN HATCH,
U.S. Senate,
Washington, DC.

DEAR SENATORS WHITEHOUSE AND HATCH: Thank you for your considerable efforts to draft the ''Designer Anabolic Steroid Control Act of 2012'' and to close loopholes that might allow continued sale of anabolic steroids, steroid lookalikes or steroid precursors—all of which are a significant threat to public health. We greatly commend your work.

The United Natural Products Alliance has appreciated the opportunity to work with you in developing this bill. As you know, sale of the products it would address are a significant concern to our members who believe, quite simply, these products should be outlawed.

We have reviewed your most recent legislation and wanted to advise you we are completely in support of the goals of this legislation. We do have minor drafting concerns, which have been shared with your staff, and we appreciate their commitment to address these issues as the legislation moves forward.

Thank you again for your work on this important issue.

Kind regards,

LOREN ISRAELSEN,
Executive Director.

CONSUMERS HEALTHCARE PRODUCTS ASSOCIATION,
Washington, DC, July 23, 2012.

Hon. SHELDON WHITEHOUSE,
Senate Committee on the Judiciary,
Washington, DC.
Hon. ORRIN HATCH,
Senate Committee on the Judiciary,
Washington, DC.

DEAR SENATORS WHITEHOUSE AND HATCH: On behalf of the more than 200 members of the Consumer Healthcare Products Association, the 131-year-old trade association representing the leading U.S. manufacturers and distributors of over-the-counter (OTC) medicines and dietary supplements, thank you for sponsoring the Designer Anabolic Steroid Control Act (DASCA).

This important legislation would designate additional chemicals as anabolic steroids, and increase the penalties for violators of anabolic steroid labeling laws, specifically those rogue supplement manufacturers that ''spike'' their products with anabolic steroids and attempt to pass them off as dietary supplements. We applaud introduction of this legislation to further protect the public health of our citizens, and pledge to work closely with you and your staff to advance this bill.

Please do not hesitate to call on us if you need any assistance, and thank you, again, for your leadership on this important issue.

Sincerely,

SCOTT M. MELVILLE,
President and CEO.

ALLIANCE FOR NATURAL HEALTH USA,
Washington, DC, July 23, 2012.

Hon. ORRIN HATCH,
United States Senate,
Washington, DC.

DEAR SENATOR HATCH: The Alliance for Natural Health USA strongly supports the Designer Anabolic Steroid Control Act (DASCA) of 2012. Not only are anabolic steroids masquerading as nutritional supplements illegal, they also risk the health of those who use them, and tarnish the reputation of the dietary supplement industry. The harm from these steroid-tainted supplements is real. Health risks include serious liver injury, stroke, kidney failure, and pulmonary embolism.

It is clear that the complex and cumbersome regulatory system has failed to stop designer anabolic steroids. We understand that your bill closes the loopholes in laws that currently allow the creation and easy distribution of anabolic steroids masquerading as dietary supplements.

We are thankful for the opportunity to discuss the bill with your staff, and support its passage.

Sincerely,

GRETCHEN DUBEAU,
Executive and Legal Director.

UNITED STATES ANTI-DOPING AGENCY,
Colorado Springs, CO, July 23, 2012.

Senator ORRIN G. HATCH,
Hart Senate Office Building,
Washington, DC.
Senator SHELDON WHITEHOUSE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR HATCH AND SENATOR WHITEHOUSE: On behalf of the United States Anti-Doping Agency (''USADA''), I am writing to express our full support for the Designer Anabolic Control Steroid Act of 2012. As the Congressionally recognized independent anti-doping agency for the U.S. Olympic, Paralympic and Pan American movement, USADA represents literally millions of participants including athletes, coaches and sports organizers who want to ensure sport in this country continues to be a teacher of life lessons for participants at all ages, is safe and drug free and that clean athletes can compete and win without having to resort to using dangerous performance enhancing drugs.

As we have seen over the last few years the current law regulating dietary supplements has been exploited by rogue manufacturers who have produced and sold products masquerading as otherwise safe and legitimate dietary supplements that are not but are in fact illegal products containing steroids and other prohibited performance enhancing drugs. This legislation is important to USADA and our mission in order to close this loophole and ensure these fly-by-night operations cannot easily and without risk continue to produce these products.

We greatly appreciate your efforts in drafting and introducing the Designer Anabolic Steroid Control Act of 2012 and look forward to assisting you in any way possible to achieve its passage into law at the earliest opportunity.

Sincerely,

TRAVIS T. TYGART,
Chief Executive Officer.

Mr. HATCH. Mr. President, I am pleased to cosponsor the Designer Anabolic Steroid Control Act of 2012, DASCA, introduced by Senator WHITEHOUSE. The use of anabolic steroids or dietary supplements that contain designer steroids may trigger numerous adverse health effects, and thus Congress has passed legislation over the years to address these chemicals.

The Drug Enforcement Agency, DEA, continues to investigate and uncover dietary supplement products that contain either controlled anabolic steroids or designer steroids that are structurally similar to testosterone. In the tin that it takes the DEA to administratively schedule an anabolic steroid used in a dietary supplement product, several new products can enter the market to take its place. Certain individuals have taken advantage of this

lengthy DEA administrative process by continuing to create and market new derivative products by substituting and altering the testosterone molecule and then marketing them as ''dietary supplements.'' Very often, these new formulations have not been adequately tested.

I worked in the previous Congress on legislation to address this issue and continued that work with Senator WHITEHOUSE to develop a bill that would amend the Controlled Substances Act to expand the list of substances defined as anabolic steroids, and authorize the Attorney General to issue a temporary order adding a drug or substance to the list of anabolic steroids. The bill would also create new criminal and civil penalties for importing, manufacturing, or selling any product containing an anabolic steroid unless it bears a label clearly identifying the chemicals contained in the product.

This bill is supported by American Herbal Products Association, AHPA, Natural Products Association, NPA, Council for Responsible Nutrition, CRN, United Natural Products Alliance, UNPA, Consumer Healthcare Products Association, CHPA, Alliance for Natural Health, ANH, and the U.S. Anti-Doping Agency, USADA.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3433. A bill to require a radio spectrum inventory of bands managed by the Federal Communications Commission and the National Telecommunications & Information Administration; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce the Radio Spectrum Inventory Act. Simply put, in order to make more spectrum available to meet the growing demand for wireless broadband and other radio-based services, decision makers at the FCC, NTIA, and Congress must have a clear, detailed, up-to-date understanding of how spectrum is currently being used and by whom—data essential to sound policy decisions.

Specifically, the Radio Spectrum Inventory Act directs the National Telecommunications and Information Administration, NTIA, the Federal Communications Commission, FCC, with assistance from the Office of Science and Technology, to create a comprehensive and accurate inventory of each spectrum band, at a minimum, between 300 Megahertz to 6.5 Gigahertz. The information collected would include the licenses assigned in that band, number and type of end-user devices deployed, amount of deployed infrastructure, type of missions and activities supported in the band, as well as any relevant unlicensed end user devices operating in the band. This information is fundamental to constructing a comprehensive framework for spectrum policy.

The Radio Spectrum Inventory Act also provides more transparency related to spectrum use by creating a centralized website or portal that would include relevant spectrum and license information accessible by the public. Given that radio spectrum is a public good, we are obligated to provide the public more clarity and accountability on how it is being utilized by both Federal and non-Federal licensees. But let me be clear, given the sensitive nature of some spectrum assignments and allocations, this bill makes the appropriate disclosure exceptions for spectrum utilized or reserved for national security and public safety activities.

A comprehensive inventory is a critical step in reforming our spectrum policy and management. The FCC manages over 2 million active licenses and NTIA administers more than 450,000 frequency assignments. And while I appreciate the FCC's effort in conducting a ''baseline'' inventory and NTIA's evaluation—both the fast track and ten year plan—I do not believe they are sufficient substitutes to conducting a full inventory since those efforts were limited in scope and seemingly didn't capture or make available more detailed data on spectrum use.

In addition, there has been a growing call for a comprehensive spectrum inventory from Members of Congress, former FCC officials, and industry—even the House Energy & Commerce Committee bipartisan Federal Spectrum Working Group requested what amounts to a complete inventory of Federal frequency assignments between 300 MHz and 3 GHz. But if we are to examine Federal use, we must also look at non-Federal use in order to gain a truly comprehensive picture and understanding of the heterogeneous spectrum ecosystem.

The ultimate goals this legislation sets the path towards achieving are to implement more efficient use of spectrum and to locate additional spectrum to meet the future demands of all spectrum users—commercial, Federal, and military. A comprehensive inventory would yield a significant amount more of data that would be extremely useful for conducting measurements, implementing more robust management, and developing greater strategic planning of spectrum resources.

With the enactment of P.L. 112–96 earlier this year, Congress took a notable but incremental step in an effort to free up additional spectrum to meet the growing demand of wireless broadband. As I have stated before, I believe more can and must be done to meet the future needs of all spectrum users and properly address existing spectrum challenges. This includes a comprehensive spectrum inventory, more strategic and longterm planning of spectrum resources, and greater collaboration between the FCC and NTIA. In addition, we must also continually promote more investment in infrastructure and foster greater technical innovation. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this critical legislation and continuing our focus on implementing spectrum reform.

By Ms. SNOWE (for herself and Mr. WARNER):

S. 3439. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install Wi-Fi hotspots and wireless neutral host systems in all Federal buildings in order to improve in-building wireless communications coverage and commercial network capacity by offloading wireless traffic onto wireline broadband networks; to the Committee on Environment and Public Works.

Ms. SNOWE. Mr. President, I rise today, along with Senator WARNER, to reintroduce pro-consumer wireless legislation, which will improve wireless coverage indoors. Specifically, the Federal Wi-Net Act would require the installation of small wireless base stations, such as femtocells or similar technologies, and Wi-Fi hot-spots in all publicly accessible Federal buildings to improve wireless coverage and network capacity.

Over the past several years, there has been growing concern about a looming spectrum crisis given the significant growth in the wireless industry. Currently, there are more than 331 million wireless subscribers in the U.S., and American consumers used more than 2.3 trillion minutes in 2010—that is more than 6.4 billion minutes per day. And while the foundation for wireless services has been voice communication, more subscribers are utilizing it for broadband. According to Cisco, global mobile data traffic grew 159 percent in 2010, nearly tripling for the third year in a row. That growth is only expected to continue—there is expected to be over seven billion mobile devices globally by 2015 producing more than six exabytes per month. To put it in context, all the words ever spoken by human beings would equate to five exabytes worth of data.

To meet this growing demand, a multi-faceted solution is required that includes fostering technological advancement and more robust spectrum management. Technologies, such as femtocells, distributed antenna system, DAS, and Wi-Fi hotspots, will help alleviate growing wireless demand by offloading that traffic onto wireline broadband networks. The Chairman of the Federal Communications Commission recently announced plans to open a proceeding on utilizing small cells in the 3.5 GHz band. And a recent spectrum report by the President's Council of Advisors on Science and Technology, PCAST, highlighted how reducing cell sizes of wireless networks to femtocell or Wi-Fi ranges could provide 400 times as much aggregate network capacity than current macro cells network topologies.

To that point, the need is there—approximately 40 percent of cell phone

calls are made indoors and more than 26 percent of U.S. households have ''cut-the-cord,'' relying solely on cell phones to make voice calls. On the data side, Cisco's Virtual Network Index reports approximately 60 percent of mobile Internet use is done inside—either at home or at work. Consumers are also utilizing Wi-Fi more frequently—more than 80 percent of smartphone users prefer Wi-Fi connections over cellular for mobile data usage, and approximately 75 percent of tablet users use Wi-Fi connections only. In addition, several new tablets, such as the Microsoft Surface, Google Nexus 7, and Samsung Galaxy Tab, were introduced as Wi-Fi only versions.

As the FCC's National Broadband Plan highlights, most smartphones sold today have Wi-Fi capabilities to take advantage of the growing ubiquity of Wi-Fi routers and devices. According to a May 2011 report from comScore, approximately 48 percent of all iPhone traffic was transported over Wi-Fi/LAN networks. So installing more mini-base stations, such as femtocells, DAS, and Wi-Fi hotspots will improve indoor coverage and wireless network capacity. It will also increase battery life of phones and tablets since the indoor signal will be stronger so devices will use less power.

The increasing importance of wireless communications and broadband has a direct correlation to our nation's competitiveness, economy, and national security and therefore demands we make the appropriate changes to current spectrum policy and management to avert a spectrum crisis and continue to realize the boundless benefits of spectrum-based services. Congress has taken some steps but more must be done. That is why I sincerely hope that my colleagues join Senator WARNER and me in supporting this important legislation.

By Ms. LANDRIEU:

S. 3442. A bill to provide tax incentives for small businesses, improve programs of the Small Business Administration, and for other purposes; to the Committee on Finance.

Ms. LANDRIEU. Mr. President, I come to the floor today to discuss the importance of small businesses in the United States. It cannot be stated enough that small businesses are the economic engines of our country. Small businesses also represent the essence of the American Dream. They are creators of new jobs and innovative technologies. In fact, over the last 15 years, businesses employing less than 500 people have created 93 percent of all new jobs and employed 58.6 million workers. Businesses employing less than 20 people alone employed 21.3 million workers. In my home state of Louisiana, small businesses make up about 98 percent of businesses. As Chair of the Senate Committee on Small Business and Entrepreneurship, I remain focused on the needs of these small businesses. That is why I am here today to introduce a bill that I believe will help spur job creation among small businesses.

As you know, right now our country is still mired in an historic economic downturn. This economic downturn is disproportionately affecting small businesses and, in turn, stifling opportunities for them to generate economic growth for the country. Sadly, since November 2008 80 percent of the job losses have come from small businesses. 2.16 million jobs were lost in the private sector from July to February 2008—nearly half from businesses with less than 50 employees. While corporate layoffs get the headlines, small business layoffs increase the breadlines. Ten jobs lost here and five jobs there add up. These are the job losses that hurt our economy, our communities and our families.

With this in mind, I was proud to lead Congressional efforts to enact the Small Business Jobs Act of 2010, Public Law 111–240. President Obama signed this legislation into law on September 27, 2010. This legislation focused on the three ''C's'' important to small businesses: Capital, Contracting, and Counseling. 332 community banks in 47 states have received $4.01 billion in funding from the Small Business Lending Fund in the bill, which is $9.3 billion in leverage potential for small businesses. Furthermore, a total of 54 states/territories applied for funding through the Small Business State Credit Initiative Program to support State-run small business lending programs. Approximately, $1.3 billion for 47 states and territories has been approved. Lastly, $30 million of Round 1 of State Trade and Export, STEP, export grant funding was awarded in the Fall 2011 to 52 states and territories to promote small business exports. To date, the Small Business Jobs Act has provided an important boost to small businesses looking to get credit or open new markets overseas.

Given the importance of small businesses to our economy, I believe that there is no better time than now for Congress to build off the success of the Small Business Jobs Act. But the key question is how to best assist our country's 28 million small businesses? This is complicated because Federal law defines a small business as ''those having 500 employees or less.'' They may all fit under the same broad category of small business, but they are not all the same. So it makes no sense for the Federal government or Congress to have a ''one size fits all'' policy for helping them grow. We must put a special focus on maximizing strategies to help those small firms that have the capacity to grow in the near term.

The approach I have taken is to focus on the entrepreneurial ecosystems in our communities. This is because an ecosystem is defined as ''a system formed by the interaction of a community of organisms with their environment.'' I am particularly interested in the relationship between entrepreneurs, the current environment for entrepreneurship, and how we can make them more robust. In my view strengthening these ecosystems is an avenue to spur small business growth, create jobs, and grow our economy.

Babson College, one of the country's top colleges for undergraduate/graduate entrepreneurship programs, has looked into what makes up an entrepreneurial ecosystem. Babson has identified the ''six domains'' of any entrepreneurial ecosystem: a conducive culture that rewards innovation, creativity and experimentation; enabling policies and leadership that provide regulatory and capital support; availability of appropriate finance, including micro-loans, private equity and public capital; quality human capital that include both skilled and unskilled workers from at home and abroad; venture-friendly markets for products by creating distribution channels and entrepreneurship networks; and a range of institutional and infrastructural supports, including incubation centers and legal and accounting advisers.

Building off this research and with feedback from other stakeholders, late last year my committee began preparations to conduct a series of roundtables on strengthening the entrepreneurial ecosystem for small businesses. The goal of these roundtables, which were conducted between February and April 2012, was to take the ideas that come out of these discussions and use them as the foundation for a major piece of legislation to support the entrepreneurial ecosystem. The first roundtable on February 1, 2012, was entitled ''Developing and Strengthening High-Growth Entrepreneurship.'' This roundtable set the stage for our discussions by exploring the recent success of high-growth firms in job creation and why it is so important that we replicate that success. The second roundtable was on March 22, 2012, and was entitled ''A Spotlight on Small Business Investment Companies and Their Role in the Entrepreneurship Ecosystem.'' That roundtable looked at how we could enhance an already successful program that gets capital into the hands of America's job creators. The last roundtable was on April 18, 2012, and was entitled ''Perspectives from the Entrepreneurial Ecosystem: Creating Jobs and Growing Businesses through Entrepreneurship.'' That roundtable discussed how different stakeholders in the entrepreneurial ecosystem are creating new entrepreneurs and growing businesses. It brought together key stakeholders from different levels of an entrepreneurial ecosystem: universities and entrepreneurship programs, Federal and local officials, investors, private sector accelerators, mentors, and successful entrepreneurs.

As a result of these three roundtables, my committee received almost 60 specific policy recommendations from the 41 participants. Some of these recommendations fell under the

jurisdictions of other Senate committees, while other proposals had a significant cost associated with them or lacked the strong bipartisan support necessary to move them forward in the Senate. After further consulting with my colleagues on the committee, I was able to identify our own six ''domains'' of proposals to focus our efforts on: Tax and Finance; Access to Capital; Access to Global Markets; Access to Mentoring, Education and Strategic Partnerships; Access to Government Contracting; and Transparency, Accountability, and Effectiveness. These domains form the six titles of the Success Ultimately Comes from Capital, Contracting, Education, Strategic Partnerships, and Smart Regulations, SUCCESS, Act of 2012.

First, Title I of the SUCCESS Act provides almost $12 billion in tax incentives to assist small businesses. All five tax provisions within the SUCCESS Act were based on parts of legislation, S. 2050, that was introduced in January by Senator SNOWE and myself. S. 2050, the Small Business Tax Extenders Act, reflects the work of many of my Senate colleagues, including Senators SNOWE, KERRY, MERKLEY, CARDIN, ISAKSON, and SHAHEEN.

Section 102 of the SUCCESS Act extends the 100 percent exclusion from tax the gain on the sale of qualified small businesses, QSB, stock that non-corporate taxpayers purchase in 2012 and 2013 and hold for 5 years. Qualifying small business stock is stock of C-corporation whose gross assets do not exceed $50 million, including the proceeds received from the issuance of the stock, and who meets a specific active business requirement. The amount of gain eligible for the exclusion is limited to the greater of ten times the taxpayer's basis in the stock or $10 million of gain from stock in that corporation. Until 2009, non-corporate taxpayers were allowed to exclude 50 percent of the gain from the sale of stock of QSB if the taxpayers held the stock for 5 years. The Recovery Act of 2009 increased the 50 percent exclusion to 75 percent and the Small Business Jobs Act and subsequent legislation increased and extended the exclusion to 100 percent through 2011. However, as of January 1, 2012, the 100 percent exclusion has reverted to 50 percent and startup investments are no longer entitled to preferential capital gains treatment.

Senator KERRY, a senior member of my committee as well as the Finance Committee, has been a leader in the Senate in getting this provision extended in previous Congresses. I also note that this proposal has bipartisan and White House support. President Obama has repeatedly called on Congress to make permanent the 100 percent capital gains exclusion and included this proposal in his Startup America Legislative Agenda. Senators MORAN, WARNER, COONS and RUBIO have all called for making this provision permanent and included a version of this provision in S. 3217, the Startup Act 2.0 that was introduced in May. According to a Kauffman Foundation paper published earlier this year, the 100 percent exclusion ''boosts the after-tax returns on such investments in startups and should induce substantial levels of new investments in startup firms.'' They further estimate that making this provision permanent would increase risky investments by conservatively 50 percent more than overall cost of the provision.

Section 103 of the bill extends the increased deduction for business start-up expenditures in 2012 and 2013 from $5,000 to $10,000, subject to a $60,000 threshold. Under current law, taxpayers can elect to deduct up to $5,000 of ''start-up expenditures'' in the taxable year in which they start a trade or business. The $5,000 is reduced—but not below zero—by the amount by which start-up costs exceed $50,000. Examples of startup costs include studies of potential markets, products, labor markets, or transportation systems; advertisements for the opening of a new business; compensation for consultants and employees undergoing training and their instructors; and travel for the purpose of securing suppliers, distributors, and customers.

The Small Business Jobs Act temporarily increased the amount of start-up expenditures entrepreneurs could deduct from their taxes in 2010 from $5,000 to $10,000, with a phase-out threshold of $60,000. We need to bring this provision back to aid our small businesses.

I note that there is also support within this chamber and from the White House for this proposal. As part of his Startup America Legislative Agenda, President Obama has called for making permanent the increased deduction for start-up expenditures. Senator MERKLEY successfully fought for the initial increase in deduction to be included in the Small Business Jobs Act. Over the past several years, this proposal has been repeatedly endorsed by the National Association for the Self-Employed and the National Federation of Independent Businesses, NFIB. Furthermore, according to a Kauffman Foundation survey, on average, new firms inject about $80,000 into their business during the first year of operation. The vast majority of small business owners—between 80 percent and 90 percent—also invest significant amounts of their own money into their businesses. These budding enterprises are also more dependent on personal capital at startup than after they become established businesses. Doubling the deduction for start-up costs puts cash in the hands of small businesses owners who need it most—those who are just getting started. According to estimates from Third Way, a non-partisan group, this proposal would help the more than 600,000 Americans who start their own business every year.

Under current law, when a corporation becomes an S-Corporation, it is required to hold its business assets for 10 years or pay punitive taxes. This 10-year holding period is too long and ties up assets that could be sold to raise capital. In 2010, Congress reduced this holding period to 5 years to better match business planning cycles. Section 104 of my bill will extend the 5-year holding period for 2012 and 2013, costing $251 million over 10 years. As with other provisions in the SUCCESS Act, this provision has bipartisan support. Senator CARDIN has fought to make this proposal permanent. Senators SNOWE, VITTER, and ROBERTS have also been long-time supporters and are co-sponsors of legislation introduced by Senator CARDIN to make this provision permanent. By granting this extension, we will give the more than 4 million S-Corporations in the U.S. the flexibility they need to raise capital.

Section 105 would allow sole proprietorships, partnerships and non-publicly traded corporations with less than $50M in average gross annual receipts for the prior 3 years, to carryback unused general business credits earned in 2012 and 2013 for 5 previous years. Under current law, if a business has no tax liability in its current tax year, it may carry the general business tax credit back to the previous tax year to offset taxes paid in the previous year and obtain a refund. If the current credit exceeds taxes paid in the previous year, the remaining credit may be carried forward for 20 years, without interest, and used to offset tax liability in future years. The general business credit is limited to the difference between the regular tax liability of a business and the greater of its tentative minimum tax or 25 percent of regular tax liability in excess of $25,000. The general business tax credit is comprised of several different tax credits including the R&D tax credit, energy credits, the Low-Income Housing Tax Credit and the Work Opportunity Tax Credit.

This extension would provide tax refunds to businesses that were previously healthy but are currently running losses. It would improve the effectiveness of business credits that are intended to expand investment and employment, in the case of the Work Opportunity Tax Credit. It would also allow businesses greater immediate benefit from credits designed to encourage specific types of economic activity, such as hiring disadvantaged workers or investments in renewable energy. By providing businesses with greater opportunity to claim business credits, the provisions would also give an infusion of cash to businesses, which might promote investment. This could be particularly important if businesses have trouble borrowing because of financial market problems.

Section 106 of the SUCCESS Act extends a generous Section 179 provision that allows small businesses to immediately write-off up to $500,000, up from $250,000, for tangible personal property

and up to $250,000 for improvements to leasehold property and retail property.

Under the Small Business Jobs Act and other subsequent legislation, for taxable years beginning in 2010 and 2011, small businesses could write-off for capital expenditures for ''qualifying Sec. 179 property'' up to $500,000 and the phase-out threshold has been increased to $2,000,000. These thresholds were up from prior law thresholds of $25,000/$200,000. In addition, for the first time, the Small Business Jobs Act allowed taxpayers to expense $250,000 of the cost of improvements to real property including qualified restaurant property and qualified retail property. To qualify for the section 179 deduction, property must have been acquired for use in the trade or business. Examples of qualifying property include machinery and equipment; property contained in or attached to a building, other than structural components, such as refrigerators, grocery store counters, office equipment, printing presses, testing equipment, and signs.; gasoline storage tanks and pumps at retail service stations.; livestock, including horses, cattle, hogs, sheep, goats, and mink and other furbearing animals.

Extending the enhanced Section 179 deduction has bipartisan Senate support, White House support, and industry support. The President supports extending Section 179. My colleague Senator SNOWE is a strong supporter of the enhanced Section 179 provision that allows businesses to expense improvements to restaurant and retail property. She developed this particular proposal in connection with her work on the Small Business Jobs Act. Finally, 26 National business groups such as the NFIB, the U.S. Chamber of Commerce, the National Association of Homebuilders, and the National Association of the Self-Employed endorsed extending Section 179 and including expensing for real property improvements in a May 21, 2012 letter to Congress.

The next title of the SUCCESS Act focuses on improving access to capital for small businesses. In particular, Subtitle A under Title II was previously introduced as S. 3253, the Expanding Access to Capital for Entrepreneurial Leaders, EXCEL, Act. It provides necessary and timely enhancements to the Small Business Investment Company, SBIC, program. SBICs are government backed and regulated private equity funds which invest in U.S. small businesses. The SBIC program was created in 1958 by then Senator Lyndon Johnson and Senator William Fulbright, and signed into law by President Eisenhower. During a Senate hearing on the creation of the program, Senator Joseph Clark said the legislation is ''necessary to increase the availability of long-term credit and equity capital for small businesses.''

Since 1958, SBICs have invested $56 billion in over 100,000 small businesses. The core debenture program operates at no cost to taxpayers. SBIC success stories include: Apple Computer, Callaway Golf, Costco, Outback Steakhouse, Jenny Craig, Annie's food company, and Center Rock of Berlin, PA, the manufacturers of the drill bit that saved the Chilean miners in October 2010.

The SBIC program has seen strong growth in the past few years. For example, the program grew 50 percent in fiscal year 2011 alone. However, the authorization level has not been permanently raised since 2003. To continue fulfilling the intent of the original legislation, it is time to make some improvements. The Landrieu-Snowe EXCEL Act has two main components. First, it raises the statutory cap for the SBIC Program from $3 billion to $4 billion. Second, it increases the amount of leverage by SBIC licensees under common control from $225 million to $350 million ''Family of Funds''. The components of this provision were also included in the President's Startup America legislative package.

Subtitle B of Title II was originally introduced as S. 2364 by Senators SNOWE, LANDRIEU, ISAKSON and SHAHEEN. The 504 loan program is a long-term financing tool for economic development that provides small businesses with long-term, fixed-rate loans to help them acquire major fixed assets and real estate for expansion or modernization. The Small Business Jobs Act allowed small businesses to use the 504 loan program to refinance certain qualifying existing debt for two years, but the SBA did not promulgate regulations to implement the refinancing provision until February 17, 2012.

This subtitle would extend for a year and a half a provision allowing small business owners to use Small Business Administration, SBA, 504 loans to refinance existing commercial mortgages. Extending the 504 refinancing program is a common-sense way to help small businesses and create jobs. By allowing small businesses to refinance qualified commercial real estate debt, this program lowers their monthly mortgage payments at no cost to taxpayers. That's right, this provision has zero subsidy cost. At a time when we are still facing high unemployment, this extension is one of many things that we should be doing to put more capital in the hands of America's job creators.

Subtitle C of Title II is a new proposal introduced for the first time as part of the SUCCESS Act. SBA currently releases some information publicly about SBA lending activity, but it is almost impossible to find and comprehend if you are not an SBA lending professional. If a small business, mayor, or governor wants to determine SBA lending activity in their area, they lack the ability to do so easily.

This subtitle would require the SBA to post a user friendly Lender Activity Index on the SBA website. Users will immediately be able to access the following data for any given bank: name of bank, number of SBA loans each bank made, total dollar amount of SBA loans of each bank, zip code of bank activity, not where every single loan was made, but a list of every zip code where the bank has made an SBA loan, industries lent to, hospitality, manufacturing, service, software, etc., stage of business cycle, new, or existing business, and business specific information, i.e. Women Owned Businesses, Minority Owned Businesses, or Veteran Owned Businesses. Data will be available for the year to date and users will be able to compare to 3 previous fiscal years. Both quarterly and annual data will be included.

Title III of the SUCCESS Act focuses on promoting exports from small businesses. The Small Business Jobs Act made major changes to the international trade work done by the SBA. Now that those provisions have been in place for several years, there are additional refinements and direction needed. I would like to specifically thank Senators SHAHEEN and AYOTTE for their bipartisan export contributions to this effort. The export provisions of Tile III are taken from S. 3218, their Small Business Growth Act of 2012, as well as S. 3277, the Go Global Act of 2012 that Senator SHAHEEN and I authored this year.

95 percent of the world's customers are located outside of the borders of the United States, and in the last twelve months we have exported more than $2 trillion of goods and services to these consumers. Yet only 1 percent of our approximately 28 million small businesses export. Our agencies need to be working together to ensure our small businesses have the resources they need to expand their customer base and be part of the more than $180 billion in exports that the United States sends around the world each month.

This title aids our small business exporters by addressing federal government coordination, resources for rural businesses, and export control education. It establishes, in Section 306, an interagency task force of SBA, the Department of Agriculture (USDA), the Export-Import Bank, and the Overseas Private Investment Corporation on export financing to review, improve, and increase collaboration on current finance programs. Then, to further coordination, Section 307(a) begins a cross training program with SBA and USDA to inform their respective export finance specialists more about each other's programs. Our small businesses face enough challenges—we should be bringing our resources to them. In Section 304, this bill requires SBA, in coordination with other agencies, to do at least one export outreach event per year in each state. Section 307(b) also aids our rural small businesses by posting a list of rural lenders who participate in SBA and USDA loan programs and a list of rural small businesses counseling and technical assistance resources. Jobs created by exports pay, on average, 15 to 20 percent more than jobs created by goods and services sold

in the United States. This bill will continue to support entrepreneurs who want to create and grow these employment opportunities for all Americans.

Title IV of the bill focuses on promoting small business access to mentoring, education and strategic partnerships. Subtitle A of this title was originally introduced by Senator SNOWE and I as S. 3198, the Strengthening Resources for America's Entrepreneurs Act of 2012. The SBA Office of Entrepreneurial Development, OED, oversees a network of programs and services that support the training and counseling needs of small business. According to the SBA, OED helps hundreds of thousands of small business clients start, grow and compete in global markets by providing quality training, counseling and access to resources. SBA delivers these services through non-profit, college and university, and community-based organization resource partners. Through its network of over 1,000 resource partners across the country, OED programs include Small Business Development Centers, SBDCs, Women's Business Centers, SCORE, and Entrepreneurship Education. However, it is currently difficult to track effectiveness and ensure our resources are being used in the best ways possible. To solve this challenge, this subtitle has four primary components. First, it requires the SBA to coordinate and make consistent data collection and outcome metrics for Entrepreneurial Development programs. Second, it increases planning for utilizing Entrepreneurial Development programs to create jobs. Third, it increases coordination between Entrepreneurial Development programs and Resource Partners at the national level. Finally, it increases accountability measures and reports to Congress regarding the effectiveness of Entrepreneurial Development programs.

Subtitle B of the bill comes from S. 3197, the Women's Small Business Ownership Act which was sponsored by Senator SNOWE and myself. This subtitle is focused on the SBA Women's Business Center (WBC) program. The WBC program was established in 1988 and implemented through the SBA's Office of Women's Business Ownership. It provides quality counseling and training services to all entrepreneurs, primarily women, especially those who are socially and economically disadvantaged. Through a network of over 100 non-profit organizations, WBCs help more than 150,000 clients annually to start and grow small firms in the local area in which they serve and to stimulate economic growth. Subtitle B reauthorizes the WBC program through Fiscal Year 2015 and makes improvements to the program, including a Government Accountability Office review of Women's Business Center program performance as compared with other SBA Entrepreneurial Development programs.

Subtitle C of the SUCCESS Act is Senator SNOWE's Strengthening America's Small Business Development Centers Act. Small Business Development Centers (SBDCs) are considered to be the backbone of the SBA's Office of Entrepreneurial Development efforts, and are the largest of the agency's OED programs. SBDCs are the university based resource partners that provide counseling and training needs for more than 600,000 business clients annually. From 2007 to 2008, the counseling and technical assistance services they offered lead to the creation of 58,501 new jobs, at a cost of $3,462 per job. Additionally, they estimate that their counseling services helped to save 88,889 jobs. This subtitle would reauthorize SBDC program at the current $135 million authorization level through fiscal year 15. Beyond reauthorizing the SBDC program, this provision also encourages SBDCs to improve outreach and communications to universities, community colleges, and junior colleges and allows the SBA Administrator to authorize out-of-state SBDCs to provide assistance in declared disaster areas.

Subtitle D of Title IV was originally introduced as S. 3281 by Senators SNOWE, KERRY, and COBURN. This subtitle repeals Federal authorization of the National Veterans Business Development Corporation, TVC, eliminating an ineffective government program. The National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC, has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act, P.L. 106–50, in 1999. In December of 2008, former Small Business Committee Chairman KERRY and Ranking Member SNOWE investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars. Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration has incorporated the Veteran Business Resource Centers, VBRCs, that TVC previously funded into its existing network of Veteran Business Outreach Centers, VBOCs. At present, TVC still exists as an organization, and it is still technically federally chartered. At the same time, it receives no Federal funds, has no Department or Agency oversight. It is time for it to be eliminated.

Title V of the SUCCESS Act focuses on promoting Federal government contracting opportunities for small businesses. Section 511 under Subtitle A of Title V was originally introduced by Senators CARDIN, LANDRIEU and SNOWE as S. 2187, the Small Business Administration Surety Bond Increase Act. The SBA administers a surety bond guarantee program, designed to encourage sureties to issue bonds when they would otherwise determine that a small business presents an unacceptable degree of risk. Under the program, SBA may guarantee bid, performance, and payment bonds for individual contracts of $2 million or less for small businesses that cannot obtain surety bonds through regular commercial channels. In the American Recovery & Reinvestment Act of 2009, Senator CARDIN was able to temporarily increase the size of SBA surety bond guarantee from $2 million to $5 million. Section 511 would make that permanent. It would ensure that small businesses have the means to the secure the necessary surety bonding to compete for contracts during the economic downturn.

Subtitle B of Title V was originally introduced by Senators SNOWE, LANDRIEU, ENZI, BROWN, MERKLEY, CANTWELL and eight other senators as S. 633, the Small Business Contracting Fraud Prevention Act. Fraud in small business contracting programs has starkly increased over the years. Recently we have all read about instances where large businesses misrepresent their size and status to receive the benefits of SBA programs designed for small businesses. Firms that engage in this activity have long been subject to civil and/or criminal penalties under various laws and government-wide policies.

The provisions in Subtitle B provide the SBA Inspector General with enhanced tools to eliminate fraud in small business contracting programs by: imposing greater penalties for fraud; requiring that firms be debarred for five years if they misrepresent their status as veteran-owned for purposes of programs under the act; and requiring the SBA to submit annual reports to Congress on the number of persons debarred or suspended from government contracting, or considered for debarment or suspension from government contracting, for violations of the bill. This will deter fraud in government small business contracting and will keep Congress in the loop on small business fraud issues.

Subtitle C under Title V was originally introduced by Senators SNOWE, LANDRIEU, GILLIBRAND and seven other senators as S. 2172, the Fairness in Women-Owned Small Business Contracting Act. Currently, the Women-Owned Small Business, WOSB, contracting program caps contract awards to woman-owned businesses at $4 million for goods/services and $6.5 million for manufacturing. In addition, sole-source contract awards under the program are prohibited. In other words, this program has limits that no other contracting program has.

The provisions in Subtitle C would remove the contract award price limits for women-owned small businesses, create a provision allowing sole-source contract awards to WOSBs, direct the SBA to periodically conduct a study to identify any U.S. industry in which women are underrepresented, and every five years report the study results to Congress. From these improvements, more contracting opportunities will emerge for women-owned businesses in the Federal marketplace.

Subtitle D of the Title V of the SUCCESS originated with our colleagues in the House of Representatives as H.R. 3851, the Small Business Champion Act. The Small Business Act established an Office of Small and Disadvantaged Business, OSDBU, within all major Federal Executive Agencies. The OSDBU is the primary advocate within each Agency responsible for promoting the maximum use of all small business programs within the Federal contracting process. The OSDBU is tasked with ensuring that each Federal agency and their large prime vendors comply with federal laws, regulations, and policies to include small businesses as sources for goods and services, both as prime contractors and subcontractors. Approximately 35 Federal Agencies have fully functioning OSDBU offices.

In an effort to assist agencies with meeting contracting goals, Subtitle D makes three major modifications to OSDBU offices. First, it elevates the OSDBU Director at each agency to the Senior Executive Service, SES, rank. Second, it prohibits combining the duties of the OSDBU Director with unrelated duties. Finally, it requires that agencies consult with the OSDBU office on decisions to insource work performed by small businesses. I would note that the House of Representatives Committee on Small Business approved H.R. 3851 by voice vote on March 7, 2012.

The final title of the SUCCESS Act is focused on improving Federal Government transparency, accountability, and effectiveness. A key component of this title is a result of the work of my colleague Senator HAGAN from North Carolina. In particular, Subtitle A of Title VI is based upon Senator HAGAN's legislation, S. 3194, the Small Business Common Application Act of 2012.

Whether it is applying for a grant, seeking technical assistance, or bidding on a contract, small businesses face a dizzying array of paperwork when interacting with the Federal government. As a result, many small businesses avoid Federal programs altogether, missing out on potentially lucrative business opportunities. Senator HAGAN's bill aims to streamline assistance for small businesses facing layers of paperwork when they apply for a grant, seek technical assistance or bid on a contract from the Federal government.

Furthermore, according to a 2010 study from the SBA Office of Advocacy, it costs small businesses with 20 employees or less more than $10,500 per employee to comply with Federal regulations. When compared to their larger counterparts, it costs small firms over $2,800—or approximately 36 percent more—for each employee.

Subtitle A builds off provisions in S. 3194 by establishing an Executive Committee of 12 Federal agency representatives, headed by the SBA Administrator, to review the feasibility of establishing a Small Business Common Application. This Executive Committee would then provide recommendations to the Executive Branch and Congress within 270 days on establishing a common application and web portal for small businesses.

The small business ''common app'' would function much like the one that students complete to apply to multiple colleges and universities simultaneously. It would ensure that small businesses across the country can concentrate on growing and creating jobs—not wasting time, filling out mountains of repetitive paperwork.

Lastly, I recognize that it is important to provide sufficient oversight of the programs and assistance authorized in this bill. Subtitle B of Title VI would authorize a GAO review of the bill—including whether programs receive necessary funding, have been successfully implemented, and are promoting job creation among small businesses. This report would go to the House and Senate Small Business Committees not later than 2 years after the date of enactment.

In closing, I would like to reiterate that the SUCCESS Act is a combination of numerous bipartisan bills that have been introduced this Congress. So these proposals are neither new nor untested—they are ready for prime time. On July 12, 2012 the Senate voted on the SUCCESS Act as part of Senate Amendment 2521 to S. 2237, the Small Business Jobs and Tax Relief Act of 2012. Although the amendment came up short of the 60 votes needed to end debate, Senate Amendment 2521 did receive a strong 57 bipartisan votes. My Republican colleagues Senators SNOWE, COLLINS, VITTER, SCOTT BROWN, and HELLER all voted in support of the amendment. I thank them for joining with us to try to move this legislation forward in the Senate. It is my understanding that some of my Republican colleagues may have voted for the amendment if it did not contain the underlying provisions from S. 2237. Procedurally, it was necessary to include these provisions to ensure a vote on the SUCCESS Act. However, recognizing these concerns, our bill that is being introduced today only includes Subtitle B of Senate Amendment 2521—the bipartisan SUCCESS Act provisions. I hope that additional colleagues from both sides of the aisle will now support the SUCCESS Act, especially as we are only a few votes short of being able to move it forward here in the Senate.

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. 3442

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 ''Success Ultimately Comes from Capital, Contracting, Education, Strategic Partnerships, and Smart Regulations Act of 2012'' or the ''SUCCESS Act of 2012''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SMALL BUSINESS TAX EXTENDERS

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking ''January 1, 2012'' and inserting ''January 1, 2014'', and

(2) by striking ''AND 2011'' and inserting '', 2011, 2012, AND 2013'' in the heading thereof.

(b) TECHNICAL AMENDMENTS.—

(1) SPECIAL RULE FOR 2009 AND CERTAIN PERIOD IN 2010.—Paragraph (3) of section 1202(a) is amended by adding at the end the following new flush sentence:

''In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.''.

(2) 100 PERCENT EXCLUSION.—Paragraph (4) of section 1202(a) is amended by adding at the end the following new flush sentence:

''In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.''.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to stock acquired after December 31, 2011.

(2) SUBSECTION (b)(1).—The amendment made by subsection (b)(1) shall take effect as if included in section 1241(a) of division B of the American Recovery and Reinvestment Act of 2009.

(3) SUBSECTION (b)(2).—The amendment made by subsection (b)(2) shall take effect as if included in section 2011(a) of the Creating Small Business Jobs Act of 2010.

SEC. 103. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting '', 2012, or 2013'' after ''2010'', and

(2) by inserting ''2012, AND 2013'' in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 104. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

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

''(C) SPECIAL RULE FOR 2012 AND 2013.—For dispositions of property in taxable years beginning in 2012 or 2013, subparagraphs (A) and (D) shall be applied by substituting '5-year' for '10-year'.''.

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(2) is amended by inserting ''described in subparagraph (A)'' after '', for any taxable year''.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

SEC. 105. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting ''or in taxable years beginning in 2012, or 2013'' after ''2010''.

(b) TECHNICAL AMENDMENT.—Section 38(c)(5)(B) is amended—

(1) by striking ''the sum of'', and

(2) by inserting ''for any taxable year to which subparagraph (A) applies'' after ''or (4)''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in section 2013(a) of the Creating Small Business Jobs Act of 2010.

SEC. 106. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $500,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking ''and'' at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

''(D) $2,000,000 in the case of taxable years beginning in 2013, and'', and

(D) in subparagraph (E), as so redesignated, by striking ''2012'' and inserting ''2013''.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking ''2013'' and inserting ''2014''.

(c) ELECTION.—Section 179(c)(2) is amended by striking ''2013'' and inserting ''2014''.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, or 2013''.

(2) CARRYOVER LIMITATION.—Section 179(f)(4) is amended by striking subparagraphs (A) through (C) and inserting the following:

''(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B)—

''(i) no amount attributable to qualified real property placed in service in any taxable year beginning in 2010 or 2011 may be carried over to any taxable year beginning after 2011, and

''(ii) no amount attributable to qualified real property placed in service in any taxable year beginning in 2013 may be carried over to any taxable year beginning after 2013.

''(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C)—

''(i) TAXABLE YEARS BEGINNING AFTER 2011.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A)(i), this title shall be applied as if no election under this section had been made with respect to such amount.

''(ii) TAXABLE YEARS BEGINNING AFTER 2013.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2013 by reason of subparagraph (A)(ii), this title shall be applied as if no election under this section had been made with respect to such amount.

''(C) AMOUNTS CARRIED OVER FROM CERTAIN TAXABLE YEARS.—

''(i) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B)(i) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2011.

''(ii) AMOUNTS CARRIED OVER FROM 2013.—If subparagraph (B)(ii) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer's last taxable year beginning in 2013,

such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer's last taxable year beginning in 2013.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—ACCESS TO CAPITAL

Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

SEC. 211. SHORT TITLE.

This subtitle may be cited as the ''EXCEL Act of 2012''.

SEC. 212. PROGRAM AUTHORIZATION.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended, in the matter preceding paragraph (1), in the first sentence, by inserting after ''issued by such companies'' the following: '', in a total amount that does not exceed $4,000,000,000 each fiscal year (adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor)''.

SEC. 213. FAMILY OF FUNDS.

Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking ''$225,000,000'' and inserting ''$350,000,000''.

SEC. 214. ADJUSTMENT FOR INFLATION.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by adding at the end the following:

''(E) ADJUSTMENTS.—

''(i) IN GENERAL.—The dollar amounts in subparagraph (A)(ii), subparagraph (B), and subparagraph (C)(ii)(I) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor (in this subparagraph referred to as the 'CPI').

''(ii) APPLICABILITY.—The adjustments required by clause (i)—

''(I) with respect to dollar amounts in subparagraphs (A)(ii) and (C)(ii)(I) shall initially reflect increases in the CPI during the period beginning on the effective date of section 505 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 156) through the date of enactment of this subparagraph and annually thereafter;

''(II) with respect to dollar amounts in subparagraph (B) shall reflect increases in the CPI annually on and after the date of enactment of this subparagraph.''.

SEC. 215. PUBLIC AVAILABILITY OF INFORMATION.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

''(l) ACCESS TO FUND INFORMATION.—Annually, the Administrator shall make public on its website the following information with respect to each small business investment company:

''(1) The amount of capital deployed since fund inception.

''(2) The amount of leverage drawn since fund inception.

''(3) The number of investments since fund inception.

''(4) The number of businesses receiving capital since fund inception.

''(5) Industry sectors receiving investment since fund inception.

''(6) The amount of leverage principal repaid by the small business investment company since fund inception.

''(7) A basic description of investment strategy.''.

SEC. 216. AUTHORIZED USES OF LICENSING FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended—

(1) by redesignating subsection (e) as subsection (d); and

(2) in subsection (d)(2)(B), as so redesignated, by inserting before the period at the end the following: ''and other small business investment company program needs''.

SEC. 217. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) small business investment companies would benefit from partnerships with community banks and other lenders, and should work with community banks and other lenders, to ensure that if community banks and other lenders deny an application by a small business concern for a loan, the community banks or other lenders will refer the small business concern to small business investment companies; and

(2) the Administrator of the Small Business Administration (in this Act referred to as the ''Administrator'') should—

(A) increase outreach to community banks and other lenders to encourage community banks and other lenders to invest in small business investment companies;

(B) use the Internet to make publicly available in a timely manner which small business investment companies are actively soliciting investments and making investments in small business concerns;

(C) partner with governors, mayors, States, and municipalities to increase outreach by small business investment companies to underserved and rural areas; and

(D) continue to make changes to the webpage for the small business investment company program, to make the webpage—

(i) a more prominent part of the website of the Administration; and

(ii) more user-friendly.

Subtitle B—Low-Interest Refinancing

SEC. 221. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking ''2 years'' and inserting ''on the date that is 3 years and 6 months''.

Subtitle C—SBA Lender Activity Index

SEC. 231. SBA LENDER ACTIVITY INDEX.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

''(g) SBA LENDER ACTIVITY INDEX.—

''(1) DEFINITION.—In this subsection, the term 'covered loan' means a loan made or debenture issued under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) by a private individual or entity.

''(2) REQUIREMENT.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall make publicly available on the website of the Administration a user-friendly database of information relating to lenders making covered loans (to be known as the 'Lender Activity Index').

''(3) DATA INCLUDED.—

''(A) IN GENERAL.—The database made available under paragraph (2) shall include, for each lender making a covered loan—

''(i) the name of the lender;

''(ii) the number of covered loans made by the lender;

''(iii) the total dollar amount of covered loans made by the lender;

''(iv) a list of each ZIP code in which a recipient of a covered loan made by the lender is located;

''(v) a list of the industries of the recipients to which the lender made a covered loan;

''(vi) whether the covered loan is for an existing business or a new business;

''(vii) the number and total dollar amount of covered loans made by the lender to—

''(I) small business concerns owned and controlled by women;

''(II) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A)); and

''(III) small business concerns owned and controlled by veterans; and

''(viii) whether the covered loan was made under section 7(a) or under the program to provide financing to small business concerns through guarantees of loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.).

''(B) INCORPORATION OF DATA.—The Administrator shall—

''(i) include in the database made available under paragraph (2) information relating to covered loans made during fiscal years 2009, 2010, 2011, and 2012; and

''(ii) incorporate information relating to covered loans on an ongoing basis.

''(C) PERIOD OF DATA AVAILABILITY.—The Administrator shall retain information relating to a covered loan in the database made available under paragraph (2) until not earlier than the end of the third fiscal year beginning after the fiscal year during which the covered loan was made.''.

TITLE III—ACCESS TO GLOBAL MARKETS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Small Business Export Growth Act of 2012''.

SEC. 302. REPORT ON IMPROVEMENTS TO EXPORT.GOV AS A SINGLE WINDOW FOR EXPORT INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of International Trade of the Small Business Administration shall, after consultation with the entities specified in subsection (b), submit to the Committee on Small Business and Entrepreneurship and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives a report that includes the recommendations of the Director for improving the experience provided by the website Export.gov (or a successor website) as—

(1) a comprehensive resource for information about exporting articles from the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to the exportation of articles from the United States.

(b) ENTITIES SPECIFIED.—The entities specified in this subsection are—

(1) small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are exporters; and

(2) the President's Export Council, State agencies with responsibility for export promotion or export financing, district export councils, and trade associations.

SEC. 303. REPORT ON DEVELOPING A SINGLE WINDOW FOR INFORMATION ABOUT EXPORT CONTROL COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chief Counsel for Advocacy of the Small Business Administration shall submit to the appropriate congressional committees a report assessing the benefits of developing a website to serve as—

(1) a comprehensive resource for complying with and information about the export control laws and regulations of the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to export controls.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Committee on Small Business of the House of Representatives.

SEC. 304. PROMOTION OF EXPORTING.

Section 22(c)(11) of the Small Business Act (15 U.S.C. 649(c)(11)) is amended by inserting '', which shall include conducting not fewer than 1 outreach event each fiscal year in each State that promotes exporting as a business development opportunity for small business concerns'' before the semicolon.

SEC. 305. EXPORT CONTROL EDUCATION.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by redesignating subsection (l) as subsection (n); and

(2) by inserting after subsection (k) the following:

''(l) EXPORT CONTROL EDUCATION.—The Associate Administrator shall ensure that all programs of the Administration to support exporting by small business concerns place a priority on educating small business concerns about Federal export control regulations.''.

SEC. 306. SMALL BUSINESS INTER-AGENCY TASK FORCE ON EXPORT FINANCING.

The Administrator, in consultation with the Secretary of Agriculture, the President of the Export-Import Bank of the United States, and the President of the Overseas Private Investment Corporation shall jointly establish a Small Business Inter-Agency Task Force on Export Financing to—

(1) review and improve Federal export finance programs for small business concerns; and

(2) coordinate the activities of the Federal Government to assist small business concerns seeking to export.

SEC. 307. PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION-UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking ''list, have made'' and inserting the following: ''list—

''(I) have made'';

(C) in item (cc), as so redesignated, by striking the period at the end and inserting ''; and''; and

(D) by adding at the end the following:

''(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—

''(aa) loans guaranteed by the Administration; or

''(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.''; and

(2) in clause (ii)(II), by inserting ''and by resource partners of the Administration'' after ''the Administration''.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after ''the Department of Commerce,'' the following: ''the Department of Agriculture,''.

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking ''and'' at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

''(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women's business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

''(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

''(ii) offer export assistance or business counseling services to rural small businesses concerns; and''.

SEC. 308. REGISTRY OF EXPORT MANAGEMENT AND EXPORT TRADING COMPANIES.

(a) COORDINATION WITH EXPORT MANAGEMENT COMPANIES AND EXPORT TRADING COMPANIES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program to register export management companies, as that term is defined by the Department of Commerce, and export trading companies, as that term is defined in section 103 of the Export Trading Company Act of 1982 (15 U.S.C. 4002).

(b) REQUIREMENTS.—The program established under subsection (a) shall—

(1) be similar to the program of the Administration for registering franchise companies, as in effect on the date of enactment of this Act; and

(2) require that a list of the export management companies and export trading companies that register under the program, categorized by the type of product exported by the company, be made available on the website of the Administration.

SEC. 309. REVERSE TRADE MISSIONS.

Section 22(c) of the Small Business Act (15 U.S.C. 649(c)) is amended—

(1) in paragraph (12), by striking ''and'' at the end;

(2) in paragraph (13), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(14) in coordination with other relevant Federal agencies, encourage the participation of employees and resource partners of the Administration in reverse trade missions hosted or sponsored by the Federal Government.''.

SEC. 310. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after ''Guam,'' the following: ''the Commonwealth of the Northern Mariana Islands,''.

SEC. 311. PROMOTION OF INTERAGENCY DETAILS.

It is the sense of Congress that the Administrator should periodically detail staff of the Administration to other Federal agencies that are members of the Trade Promotion Coordinating Committee, to facilitate the cross training of the staff of the Administration on the export assistance programs of such other agencies.

SEC. 312. ANNUAL EXPORT STRATEGY.

Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 305 of this Act, is amended by adding at the end the following:

''(m) SMALL BUSINESS TRADE STRATEGY.—

''(1) DEVELOPMENT OF SMALL BUSINESS TRADE STRATEGY.—The Associate Administrator shall develop and maintain a small business trade strategy that is included in the report on the governmentwide strategic plan for Federal trade promotion required to be submitted to Congress by the Trade Promotion Coordinating Committee under section 2312(f)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)(1)) that includes, at a minimum—

''(A) strategies to increase export opportunities for small business concerns, including a specific strategy to increase opportunities for small business concerns that are new to exporting;

''(B) recommendations to increase the competitiveness in the global economy of small business concerns in the United States that are part of industries in which small business concerns account for a high proportion of participating businesses;

''(C) recommendations to protect small business concerns from unfair trade practices, including intellectual property violations;

''(D) recommendations for strategies to promote and facilitate opportunities in the foreign markets that are most accessible for small business concerns that are new to exporting; and

''(E) strategies to expand the representation of small business concerns in the formation and implementation of United States trade policy.

''(2) ANNUAL REPORT TO CONGRESS.—At the beginning of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the small business trade strategy required under paragraph (1), which shall contain, at a minimum—

''(A) a description of each strategy and recommendation described in paragraph (1);

''(B) specific policies and objectives, together with timelines for the implementation of such policies and objectives; and

''(C) a description of the progress of the Administration in implementing the strategies and recommendations contained in the report submitted for the preceding fiscal year.''.

TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

Subtitle A—Measuring the Effectiveness of Resource Partners

SEC. 411. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this Act, is amended by adding at the end the following:

''(h) MANAGEMENT AND DIRECTION.—

''(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—

''(A) PLAN REQUIRED.—The Administrator, in consultation with a representative from each entrepreneurial development program of the Administration, shall develop and submit to Congress a plan for using the entrepreneurial development programs of the Administration to create jobs during fiscal years 2013 and 2014.

''(B) CONTENTS OF PLAN.—The plan required under subparagraph (A) shall—

''(i) include the plan of the Administrator for using existing programs, including small business development centers, women's business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), Veterans Business Outreach Centers, and programs of the Office of Native American Affairs, to create jobs;

''(ii) identify a strategy for each region of the Administration to use programs of the Administration to create or retain jobs in the region; and

''(iii) establish performance measures and criteria, including goals for job creation, job retention, and job retraining, to evaluate the success of the plan.

''(2) DATA COLLECTION PROCESS.—

''(A) IN GENERAL.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process for the entrepreneurial development programs.

''(B) CONTENTS.—The data collection process developed under subparagraph (A) shall collect data relating to job creation and performance and any other data determined appropriate by the Administrator.

''(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines is appropriate, shall submit an annual report to Congress describing opportunities to foster coordination of, limit duplication among, and improve program delivery for Federal entrepreneurial development programs.

''(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—

''(A) ESTABLISHMENT.—After providing a period of 60 days for public comment, the Administrator shall—

''(i) establish a database of providers of entrepreneurial development services; and

''(ii) make the database available through the website of the Administration.

''(B) SEARCHABILITY.—The database established under subparagraph (A) shall be searchable by industry, geographic location, and service required.

''(5) COMMUNITY SPECIALIST.—

''(A) DESIGNATION.—The Administrator shall designate not fewer than 1 staff member in each district office of the Administration as a community specialist whose full-time responsibility is working with local providers of entrepreneurial development services to increase coordination with Federal entrepreneurial development programs.

''(B) PERFORMANCE.—The Administrator shall develop benchmarks for measuring the performance of community specialists under this paragraph.''.

Subtitle B—Women's Small Business Ownership

SEC. 421. SHORT TITLE.

This subtitle may be cited as the ''Women's Small Business Ownership Act of 2012''.

SEC. 422. DEFINITION.

In this subtitle, the term ''Administrator'' means the Administrator of the Small Business Administration.

SEC. 423. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking ''in the areas'' and all that follows through the end of subclause (I), and inserting the following: ''to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

''(I) starting, operating, and increasing the business of a small business concern;''; and

(ii) in clause (ii), by striking ''Women's Business Center program'' each place that term appears and inserting ''women's business center program''; and

(B) in subparagraph (C), by inserting before the period at the end the following: '', the National Women's Business Council, and any association of women's business centers''; and

(2) by adding at the end the following:

''(3) TRAINING.—The Administrator may provide annual programmatic and financial examination training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

''(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial examination process by—

''(A) providing public notice of any announcement for financial assistance under subsection (b) or a grant under subsection (l) not later than the end of the first quarter of each fiscal year;

''(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (l);

''(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

''(D) standardizing the programmatic and financial examination process; and

''(E) providing to each women's business center, not later than 60 days after the completion of a site visit to the women's business center (whether conducted for an audit, performance review, or other reason), a copy of any site visit reports or evaluation reports prepared by district office technical representatives or officers or employees of the Administration.''.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

''(2) the term 'Director' means the Director of the Office of Women's Business Ownership established under subsection (g);'';

(B) by striking ''Assistant Administrator'' each place that term appears and inserting ''Director''; and

(C) in subsection (g)(2), in the paragraph heading, by striking ''ASSISTANT ADMINISTRATOR'' and inserting ''DIRECTOR''.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking ''Assistant Administrator'' and inserting ''Director'';

(B) in section 405, by striking ''Assistant Administrator'' and inserting ''Director''; and

(C) in section 406(c), by striking ''Assistant Administrator'' and inserting ''Director''.

SEC. 424. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a), as amended by section 423(b) of this Act—

(A) by inserting before paragraph (2) the following:

''(1) the term 'association of women's business centers' means an organization—

''(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

''(B) whose primary purpose is to represent women's business centers;'';

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

''(3) the term 'eligible entity' means—

''(A) a private nonprofit organization;

''(B) a State, regional, or local economic development organization;

''(C) a development, credit, or finance corporation chartered by a State;

''(D) a junior or community college, as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

''(E) any combination of entities listed in subparagraphs (A) through (D);''; and

(C) by adding after paragraph (5) the following:

''(6) the term 'women's business center' means a project conducted by an eligible entity under this section.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking ''The Administration'' and all that follows through ''5-year projects'' and inserting the following:

''(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section'';

(C) by striking ''The projects shall'' and inserting the following:

''(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall''; and

(D) by adding at the end the following:

''(3) AMOUNT OF FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than $100,000 and not more than $150,000 per year.

''(B) LOWER AMOUNT.—The Administrator may award financial assistance under this subsection to a recipient in an amount that is less than $100,000 if the Administrator determines that the recipient is unable to make a non-Federal contribution of $100,000 or more, as required under subsection (c).

''(C) EQUAL ALLOCATIONS.—If the Administration has insufficient funds to provide financial assistance of not less than $100,000 for each recipient of financial assistance under this subsection in any fiscal year, the Administrator shall provide an equal amount of financial assistance to each recipient in the fiscal year, unless a recipient requests a lower amount than the allocated amount.

''(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

''(A) a training program for the staff of women's business centers and the Administration; and

''(B) recommendations to improve the policies and procedures for governing the general operations and administration of the women's business center program, including grant program improvements under subsection (g)(4).'';

(3) in subsection (c)—

(A) in paragraph (1) by striking ''the recipient organization'' and inserting ''an eligible entity'';

(B) in paragraph (3), in the second sentence, by striking ''a recipient organization'' and inserting ''an eligible entity'';

(C) in paragraph (4)—

(i) by striking ''recipient of assistance'' and inserting ''eligible entity'';

(ii) by striking ''such organization'' and inserting ''the eligible entity''; and

(iii) by striking ''recipient'' and inserting ''eligible entity''; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(ii) by striking ''the recipient organization'' each place it appears and inserting ''the eligible entity''; and

(E) by adding at end the following:

''(6) SEPARATION OF PROJECT AND FUNDS.—An eligible entity shall—

''(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

''(B) separately maintain and account for any financial assistance under this section.'';

(4) in subsection (e)—

(A) by striking ''applicant organization'' and inserting ''eligible entity'';

(B) by striking ''a recipient organization'' and inserting ''an eligible entity''; and

(C) by striking ''site'';

(5) by striking subsection (f) and inserting the following:

''(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

''(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

''(A) a certification that the eligible entity—

''(i) has designated an executive director or program manager, who may be compensated using financial assistance under subsection (b) or other sources, to manage the center on a full-time basis;

''(ii) as a condition of receiving financial assistance under subsection (b), agrees—

''(I) to receive a site visit by the Administrator as part of the final selection process;

''(II) to undergo an annual programmatic and financial examination; and

''(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclause (I) or (II); and

''(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

''(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women's business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

''(C) information relating to the assistance to be provided by the women's business center for which financial assistance under subsection (b) is sought in the area in which the women's business center is located;

''(D) information demonstrating the experience and effectiveness of the eligible entity in—

''(i) conducting financial, management, and marketing assistance programs, as described in subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

''(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

''(iii) working with resource partners of the Administration and other entities, such as universities; and

''(E) a 5-year plan that describes the ability of the women's business center for which financial assistance is sought—

''(i) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

''(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

''(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

''(A) IN GENERAL.—The Administrator shall—

''(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

''(ii) to the extent practicable, as part of the final selection process, conduct a site visit to each women's business center for which financial assistance under subsection (b) is sought.

''(B) SELECTION CRITERIA.—

''(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

''(I) established before the date on which applicants are required to submit the applications;

''(II) stated in terms of relative importance; and

''(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

''(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

''(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

''(II) the ability of the applicant to begin a project within a minimum amount of time;

''(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(IV) the location for the women's business center proposed by the applicant, including whether the applicant is located in a State in which there is not a women's business center receiving funding from the Administration.

''(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women's business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

''(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.''; and

(6) in subsection (m)—

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

''(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

''(A) SOLICITATION OF APPLICATIONS.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of the Women's Small Business Ownership Act of 2012, and every third fiscal year thereafter.

''(B) CONTENTS OF APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

''(i) a certification that the applicant—

''(I) is an eligible entity;

''(II) has designated a full-time executive director or program manager to manage the women's business center operated by the applicant; and

''(III) as a condition of receiving a grant under this subsection, agrees—

''(aa) to receive a site visit as part of the final selection process;

''(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial examination reports or certified copies of the compliance supplemental audits under OMB Circular A–133 of the applicant; and

''(cc) to remedy any problem identified pursuant to the site visit or examination under item (aa) or (bb);

''(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women's business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

''(iii) information relating to assistance to be provided by the women's business center in the area served by the women's business center for which a grant under this subsection is sought;

''(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

''(v) a 3-year plan that describes the ability of the women's business center for which a grant under this subsection is sought—

''(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

''(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

''(vi) any additional information that the Administrator may reasonably require.

''(C) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

''(i) IN GENERAL.—The Administrator shall—

''(I) review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

''(II) whenever practicable, as part of the final selection process, conduct a site visit to each women's business center for which a grant under this subsection is sought.

''(ii) SELECTION CRITERIA.—

''(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

''(aa) established before the date on which applicants are required to submit the applications;

''(bb) stated in terms of relative importance; and

''(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

''(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

''(aa) the total number of entrepreneurs served by the applicant;

''(bb) the total number of new startup companies assisted by the applicant;

''(cc) the percentage of clients of the applicant that are socially or economically disadvantaged; and

''(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

''(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

''(I) shall consider the results of the most recent evaluation of the women's business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

''(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

''(D) NOTIFICATION.—Not later than 60 days after the date of each deadline to submit applications, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application of the approval or denial.

''(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.''; and

(B) by striking paragraph (5) and inserting the following:

''(5) AWARD TO PREVIOUS RECIPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking ''to award a contract (as a sustainability grant) under subsection (l) or'';

(B) in subsection (j)(1), by striking ''The Administration'' and inserting ''Not later than November 1 of each year, the Administrator'';

(C) in subsection (k)—

(i) by striking paragraphs (1), (2), and (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting before paragraph (4), as so redesignated, the following:

''(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, $14,500,000 for each of fiscal years 2013, 2014, and 2015.

''(2) USE OF FUNDS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

''(3) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

''(A) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women's business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

''(B) SUSPENSION OR TERMINATION.—If the Administrator has entered into a grant or cooperative agreement with a women's business center under this section, the Administrator may not suspend or terminate the grant or cooperative agreement, unless the Administrator—

''(i) provides the women's business center with written notification setting forth the reasons for that action; and

''(ii) affords the women's business center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.'';

(D) in subsection (m)—

(i) in paragraph (2), by striking ''subsection (b) or (l)'' and inserting ''this subsection or subsection (b)''; and

(ii) in paragraph (4)(D), by striking ''or subsection (l)''; and

(E) by redesignating subsections (m) and (n), as amended by this Act, as subsections (l) and (m), respectively.

(2) PROSPECTIVE REPEAL.—Section 1401(c)(2) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 note) is amended—

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

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

(C) by adding at the end the following:

''(C) by redesignating paragraph (6), as added by section 424(a)(3)(E) of the Women's Small Business Ownership Act of 2012, as paragraph (5).''.

(c) EFFECT ON EXISTING GRANTS.—

(1) TERMS AND CONDITIONS.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this Act, except that the nonprofit organization may not apply for a renewal of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this Act.

(2) LENGTH OF RENEWAL GRANT.—The Administrator may award a grant under section 29(l) of the Small Business Act, as so redesignated by subsection (b)(1)(E) of this section, to a nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, for the period—

(A) beginning on the day after the last day of the grant agreement under such section 29(m); and

(B) ending at the end of the third fiscal year beginning after the date of enactment of this Act.

SEC. 425. STUDY AND REPORT ON ECONOMIC ISSUES FACING WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women's business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face in competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women's business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women's business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term ''covered area'' means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

SEC. 426. STUDY AND REPORT ON OVERSIGHT OF WOMEN'S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the oversight of women's business centers by the Administrator, which shall include—

(1) an analysis of the coordination by the Administrator of the activities of women's business centers with the activities of small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers;

(2) a comparison of the types of individuals and small business concerns served by women's business centers and the types of individuals and small business concerns served by small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers; and

(3) an analysis of performance data for women's business centers that evaluates how well women's business centers are carrying out the mission of women's business centers and serving individuals and small business concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, for eliminating the duplication of services provided by women's business centers, small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers.

Subtitle C—Strengthening America's Small Business Development Centers

SEC. 431. INSTITUTIONS OF HIGHER EDUCATION.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking '': *Provided,* That'' and all that follows through ''on such date.'' and inserting the following: ''. On and after December 31, 2013, the Administrator may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b).''; and

(2) in subsection (c)(3)(K), by inserting ''public and private institutions of higher education (including universities, community colleges, and junior colleges),'' before ''local and regional private consultants''.

SEC. 432. UPDATING FUNDING LEVELS FOR SMALL BUSINESS DEVELOPMENT CENTERS.

(a) MINIMUM FUNDING LEVELS.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended—

(1) in clause (iii)—

(A) by striking ''$90,000,000'' each place that term appears and inserting ''$98,500,000'';

(B) by striking ''$81,500,000'' each place that term appears and inserting ''$90,000,000''; and

(C) by striking ''$500,000'' each place that term appears and inserting ''$600,000'';

(2) in clause (v)(II), by striking ''if the usage'' and all that follows through the end of the subclause and inserting a period; and

(3) in clause (v), by striking subclause (I) and inserting the following:

''(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

''(aa) not more than $50,000 may be used by the Administration to pay the expenses enumerated in subparagraph (B) of section 20(a)(1);

''(bb) not more than $500,000 may be used by the Administration to pay the expenses enumerated in subparagraph (C) of section 20(a)(1); and

''(cc) not more than $250,000 may be used by the Administration to pay the expenses enumerated in subparagraph (D) of section 20(a)(1).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

''(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

''(I) $135,000,000 for fiscal year 2013;

''(II) $135,000,000 for fiscal year 2014; and

''(III) $135,000,000 for fiscal year 2015.''.

SEC. 433. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking ''(3) At the discretion'' and inserting the following:

''(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

''(A) IN GENERAL.—At the discretion''; and

(2) by adding at the end the following:

''(B) DISASTER RECOVERY ASSISTANCE.—

''(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the period of the declaration.

''(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

''(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.''.

SEC. 434. TERMINATION OF SMALL BUSINESS DEVELOPMENT CENTER DEFENSE ECONOMIC TRANSITION ASSISTANCE.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (G); and

(2) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (S), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (4)(C)(vi), by striking ''or (c)(3)(G)''; and

(2) in paragraph (6), by striking ''subparagraphs (B) through (G) of subsection (c)(3)'' and inserting ''subparagraphs (B) through (F) of subsection (c)(3)''.

(c) EXISTING GRANTS.—Nothing in this section shall affect any grant made to a small business development center before the date of enactment of this Act under section 21(c)(3)(G) of the Small Business Act (15 U.S.C. 648(c)(3)(G)), as in effect on the day before the date of enactment of this Act, and any such grant shall be subject to such section 21(c)(3)(G), as in effect on the day before the date of enactment of this Act.

SEC. 435. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

(a) IN GENERAL.—Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended—

(1) in the first sentence, by striking ''nine members'' and inserting ''10 members'';

(2) in the second sentence, by striking ''six'' and inserting ''the members who are not from universities or their affiliates'';

(3) by striking the third sentence; and

(4) in the fourth sentence—

(A) by striking ''Succeeding Boards'' and inserting ''The members of the Board''; and

(B) by inserting ''not less than'' before ''one-third''.

(b) INCUMBENTS.—An individual serving as a member of the National Small Business Development Center Advisory Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

SEC. 436. REPEAL OF PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.

Section 27 of the Small Business Act (15 U.S.C. 654) is repealed.

Subtitle D—Terminating the National Veterans Business Development Corporation

SEC. 441. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking ''section 34(d)'' and inserting ''section 33(d)'';

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking ''section 35'' each place it appears and inserting ''section 34'';

(ii) in subsection (a)—

(I) in paragraph (2), by striking ''section 35(c)(2)(B)'' and inserting ''section 34(c)(2)(B)'';

(II) in paragraph (4), by striking ''section 35(c)(2)'' and inserting ''section 34(c)(2)''; and

(III) in paragraph (5), by striking ''section 35(c)'' and inserting ''section 34(c)''; and

(iii) in subsection (h)(2), by striking ''section 35(d)'' and inserting ''section 34(d)'';

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking ''section 34'' each place it appears and inserting ''section 33''; and

(ii) in subsection (c)(1), by striking section ''34(c)(1)(E)(ii)'' and inserting section ''33(c)(1)(E)(ii)'';

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42'';

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking ''section 43'' and inserting ''section 42''; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking ''section 43'' and inserting ''section 42''.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking ''and the National Veterans Business Development Corporation''.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking ''any of the'' and all that follows and inserting ''any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).''.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking ''section 43 of the Small Business Act, as added by this Act'' and inserting ''section 42 of the Small Business Act (15 U.S.C. 657o)''.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking ''In cooperation with the National Veterans Business Development Corporation, develop'' and inserting ''Develop''.

TITLE V—ACCESS TO GOVERNMENT CONTRACTING

Subtitle A—Bonds

SEC. 511. REMOVAL OF SUNSET DATES FOR CERTAIN PROVISIONS OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(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 ''does not exceed'' and all that follows and inserting ''does not exceed $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 ''bonds exceeds'' and all that follows and inserting ''bonds exceeds $5,000,000,''.

Subtitle B—Small Business Contracting Fraud Prevention

SEC. 521. SHORT TITLE.

This subtitle may be cited as the ''Small Business Contracting Fraud Prevention Act of 2012''.

SEC. 522. DEFINITIONS.

In this subtitle—

(1) the term ''8(a) program'' means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms ''HUBZone'' and ''HUBZone small business concern'' and ''HUBZone map'' have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this Act; and

(4) the term ''recertification'' means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 523. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''Whoever'' and all that follows through ''oneself or another'' and inserting the following: ''A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person'';

(ii) by amending subparagraph (A) to read as follows:

''(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35;'';

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking '', shall be'' and all that follows and inserting a period;

(B) in paragraph (2)—

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

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

''(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the 'False Claims Act');''; and

(C) by adding at the end the following:

''(3)(A) In the case of a violation of paragraph (1)(A) or subsection (g) or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

''(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

''(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.'';

(2) by striking subsection (e) and inserting the following:

''(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.''; and

(3) by adding at the end the following:

''(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

''(1) in order to allow any person to participate in any program of the Administration; or

''(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

''(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35, shall be deemed to have submitted a certification that the person complied with regulations issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

''(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

''(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

''(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.''.

SEC. 524. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking ''means a veteran'' and all that follows and inserting the following: ''means—

''(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

''(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.''.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this Act, is amended by adding at the end the following:

''(i) VETERAN STATUS.—

''(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

''(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

''(B) register with—

''(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

''(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

''(2) VERIFICATION OF STATUS.—

''(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

''(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

''(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 35, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

''(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

''(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.''.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the ''Secretary'') publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (i) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 525. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

''(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

''(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

''(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

''(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

''(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

''(iv) the number of training sessions offered under the program; and

''(B) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).''.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 526. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of economic development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

''(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

''(i) DEFINITION.—In this subparagraph, the term 'interim period' means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

''(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

''(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

''(II) does not meet the applicable employment percentage—

''(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

''(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.''; and

(2) by adding at the end the following:

''(8) HUBZONE PROGRAM.—The term 'HUBZone program' means the program established under section 31.

''(9) HUBZONE MAP.—The term 'HUBZone map' means the map used by the Administration to identify HUBZones.''.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

''(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or''.

SEC. 527. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

Subtitle C—Fairness in Women-Owned Small Business Contracting

SEC. 531. SHORT TITLE.

This subtitle may be cited as the ''Fairness in Women-Owned Small Business Contracting Act of 2012''.

SEC. 532. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''who are economically disadvantaged'';

(B) in subparagraph (C), by striking ''paragraph (3)'' and inserting ''paragraph (4)'';

(C) by striking subparagraph (D); and

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

(2) by adding at the end the following:

''(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).''.

SEC. 533. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended by section 424 of this Act, is amended by adding at the end the following:

''(n) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

''(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

''(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.''.

Subtitle D—Small Business Champion

SEC. 541. SHORT TITLE.

This subtitle may be cited as the ''Small Business Champion Act of 2012''.

SEC. 542. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

(a) APPOINTMENT AND POSITION OF DIRECTOR.—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking ''such agency,'' and inserting ''such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 43(a) of this Act) are not Senior Executive Service positions, the Director of Small and Disadvantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);''.

(b) PERFORMANCE APPRAISALS.—Section 15(k)(3) of the Small Business Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking ''be responsible only to, and report directly to, the head'' and inserting ''shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head''; and

(2) by striking ''be responsible only to, and report directly to, such Secretary'' and inserting ''be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary''.

(c) SMALL BUSINESS TECHNICAL ADVISERS.—Section 15(k)(8)(B) of the Small Business Act (15 U.S.C. 644(k)(8)(B)) is amended by striking ''and 15 of this Act,'' and inserting '', 15, and 43 of this Act;''.

(d) ADDITIONAL REQUIREMENTS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

''(11) shall review and advise such agency on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

''(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 43 of this Act;

''(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

''(14) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection;

''(15) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

''(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

''(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

''(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year; and

''(16) shall have not less than 10 years of relevant procurement experience.''.

(e) TECHNICAL AMENDMENTS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by subsection (d), is further amended—

(1) in the matter preceding paragraph (1) by striking ''who shall'' and inserting ''who'';

(2) in paragraph (1)—

(A) by striking ''be known'' and inserting ''shall be known''; and

(B) by striking ''such agency,'' and inserting ''such agency;'';

(3) in paragraph (2) by striking ''be appointed by'' and inserting ''shall be appointed by'';

(4) in paragraph (3)—

(A) by striking ''director'' and inserting ''Director''; and

(B) by striking ''Secretary's designee,'' and inserting ''Secretary's designee;'';

(5) in paragraph (4)—

(A) by striking ''be responsible'' and inserting ''shall be responsible''; and

(B) by striking ''such agency,'' and inserting ''such agency;'';

(6) in paragraph (5) by striking ''identify proposed'' and inserting ''shall identify proposed'';

(7) in paragraph (6) by striking ''assist small'' and inserting ''shall assist small'';

(8) in paragraph (7)—

(A) by striking ''have supervisory'' and inserting ''shall have supervisory''; and

(B) by striking ''this Act,'' and inserting ''this Act;'';

(9) in paragraph (8)—

(A) by striking ''assign a'' and inserting ''shall assign a''; and

(B) by striking ''the activity, and'' and inserting ''the activity; and'';

(10) in paragraph (9)—

(A) by striking ''cooperate, and'' and inserting ''shall cooperate, and''; and

(B) by striking ''subsection, and'' and inserting ''subsection;''; and

(11) in paragraph (10)—

(A) by striking ''make recommendations'' and inserting ''shall make recommendations'';

(B) by striking ''subsection (a), or section'' and inserting ''subsection (a), section'';

(C) by striking ''Act or section 2323'' and inserting ''Act, or section 2323'';

(D) by striking ''Code. Such recommendations shall'' and inserting ''Code, which shall''; and

(E) by striking ''contract file.'' and inserting ''contract file;''.

SEC. 543. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) DUTIES.—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

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

(2) in paragraph (2) by striking ''authorities.'' and inserting ''authorities;''; and

(3) by adding at the end the following:

''(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section;

''(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

''(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

''(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

''(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

''(C) best practices identified under paragraph (4) during such 1-year period.''.

(b) MEMBERSHIP.—Section 7104(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking ''(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k))''.

(c) CHAIRMAN.—Section 7104(d) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by inserting after ''Small Business Administration'' the following: ''(or the designee of the Administrator)''.

TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS

Subtitle A—Small Business Common Application

SEC. 611. DEFINITIONS.

In this subtitle—

(1) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term ''Executive agency'' has the meaning given that term under section 105 of title 5, United States Code;

(3) the term ''Executive Committee'' means the Executive Committee on a Small Business Common Application established under section 613(a);

(4) the term ''small business concern'' has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632);

SEC. 612. SENSE OF CONGRESS.

It is the sense of Congress that Executive agencies should—

(1) reduce paperwork burdens on small business concerns pursuant to section 3501 of title 44, United States Code;

(2) maximize the ability of small business concerns to use common applications, where practicable, and use consolidated web portals to interact with Executive agencies;

(3) maintain high standards for data privacy and security;

(4) increase the degree and ease of information sharing and coordination among programs serving small business concerns that are carried out by Executive agencies, including State and local offices of Executive agencies; and

(5) minimize redundancy in the administration of programs that can utilize common applications, where practicable, and consolidated web portals.

SEC. 613. EXECUTIVE COMMITTEE ON A SMALL BUSINESS COMMON APPLICATION.

(a) ESTABLISHMENT.—There is established in the Administration an Executive Committee on a Small Business Common Application, which shall make recommendations regarding the establishment, if practicable, of a small business common application and web portal.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The members of the Executive Committee shall consist of—

(A) the Administrator;

(B) the Assistant Secretary of Commerce for Economic Development; and

(C) 1 senior officer or employee having policy and technical expertise appointed by each of—

(i) the Administrator of the General Services Administration;

(ii) the Director of the National Institutes of Health;

(iii) the Director of the National Science Foundation;

(iv) the President of the Export-Import Bank;

(v) the Secretary of Agriculture;

(vi) the Secretary of Defense;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Labor;

(ix) the Secretary of State;

(x) the Secretary of the Treasury; and

(xi) the Secretary of Veterans Affairs.

(2) CHAIRPERSON.—The Administrator shall serve as chairperson of the Executive Committee.

(3) PERIOD OF APPOINTMENT.—Members of the Executive Committee shall be appointed for a term of 1 year.

(4) VACANCIES.—A vacancy in the Executive Committee shall be filled in the same manner as the original appointment, not later than 30 days after the date on which the vacancy occurs.

(c) MEETINGS.—

(1) IN GENERAL.—The Executive Committee shall meet at the call of the chairperson of the Executive Committee.

(2) QUORUM.—A majority of the members of the Executive Committee shall constitute a quorum.

(3) FIRST MEETING.—The first meeting of the Executive Committee shall take place not later than 30 days after the date of enactment of this subtitle.

(4) PUBLIC MEETING.—The Executive Committee shall hold at least 1 public meeting before the date described in subsection (d)(1) to receive comments from small business concerns and other interested parties.

(d) DUTIES.—

(1) RECOMMENDATIONS.—Not later than 270 days after the date of enactment of this Act, upon a vote of the majority of members of the Executive Committee then serving, the Executive Committee shall submit to the Administrator recommendations relating to the feasibility of establishing a small business common application and web portal in order to meet the goals described in section 612.

(2) TRANSMISSION TO EXECUTIVE AGENCIES.—The Executive Committee shall transmit to each Executive agency a complete copy of the recommendations submitted under paragraph (1).

(3) TRANSMISSION TO CONGRESS.—The Executive Committee shall transmit to each relevant committee of Congress a complete copy of the recommendations submitted under paragraph (1).

(4) RECOMMENDATIONS BY EXECUTIVE AGENCIES.—Not later than 30 days after the date on which the Executive Committee transmits recommendations to the Executive agency under paragraph (2), each Executive agency that provides Federal assistance to small business concerns shall submit to Congress recommendations, if any, for legislative changes necessary for the Executive agency to carry out the recommendations under paragraph (1).

(e) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—The members of the Executive Committee shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) DETAIL OF EMPLOYEES.—The Administrator may detail to the Executive Committee any employee of the Economic Development Administration, and such detail shall be without interruption or loss of civil service status or privilege.

(f) FEDERAL ADVISORY COMMITTEE ACT.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Executive Committee.

SEC. 614. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subtitle.

Subtitle B—Government Accountability Office Review

SEC. 621. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that evaluates the status of the programs authorized under this Act and the amendments made by this Act, including the extent to which such programs have been funded and implemented and have contributed to promoting job creation among small business concerns.

SUBMITTED RESOLUTIONS

SENATE CONCURRENT RESOLUTION 54—STATING THAT IT IS THE POLICY OF THE UNITED STATES TO OPPOSE THE SALE, SHIPMENT, PERFORMANCE OF MAINTENANCE, REFURBISHMENT, MODIFICATION, REPAIR, AND UPGRADE OF ANY MILITARY EQUIPMENT FROM OR BY THE RUSSIAN FEDERATION TO OR FOR THE SYRIAN ARAB REPUBLIC

Mr. HATCH (for himself and Mr. CORNYN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas the General Director of Rosoboronexport, the largest Russian arms exporter, recently announced that his company was transferring anti-aircraft and antiship missile systems to Syria;

Whereas the Government of the Russian Federation has announced the deployment of 11 warships, including amphibious ships designed to carry naval infantry, to the eastern Mediterranean, and it is expected that some of those ships will dock at the Syrian port of Tartus;

Whereas Secretary of State Hillary Clinton recently stated, ''What can every nation and group represented here do? . . . I ask you to reach out to Russia and China, and to not only urge but demand that they get off the sidelines and begin to support the legitimate aspirations of the Syrian people.'';

Whereas Secretary of State Clinton further stated on July 17, 2012, ''[O]ur commitment is to try to get Russia to cooperate. So we want the rest of the world to put pressure on Russia . . . as long as he [Bashar al-Assad] has Russia uncertain about whether or not to side against him in any more dramatic way that it already has, he [Assad] feels like he can keep going.'';

Whereas the Government of the Russian Federation recently refurbished at least three Syrian Mi–25 helicopters; and

Whereas the Government of the Russian Federation has taken a tentative positive step of expounding a new policy that it will not enter into new arms agreements with the Government of the Syrian Arab Republic: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the policy of the United States—

(1) to oppose the sale, shipment, performance of maintenance, refurbishment, modification, repair, or upgrade of any military equipment, including parts that can be used in military equipment, from or by the Government of the Russian Federation to or for the Government of the Syrian Arab Republic; and

(2) to oppose any effort by the Government of the Russian Federation to increase, maintain, or sustain the military readiness and or military capabilities of the Government of the Syrian Arab Republic.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2573. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. JOHANNS, Mr. ROBERTS, Mr. BURR, Mr. THUNE, Mr. CORNYN, Mr. KYL, Mr. BOOZMAN, Mr. BLUNT, Mr. RUBIO, Mr. MCCAIN, Mr. GRASSLEY, Mr. BARRASSO, Mr. KIRK, Mrs. HUTCHISON, Mr. HOEVEN, Mr. SHELBY, and Mr. ISAKSON) proposed an amendment to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

SA 2574. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table.

SA 2575. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2576. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2577. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2578. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2579. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

SA 2580. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2573. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. JOHANNS, Mr. ROBERTS, Mr. BURR, Mr. THUNE, Mr. CORNYN, Mr. KYL, Mr. BOOZMAN, Mr. BLUNT, Mr. RUBIO, Mr. MCCAIN, Mr. GRASSLEY, Mr. BARRASSO, Mr. KIRK, Mrs. HUTCHISON, Mr. HOEVEN, Mr. SHELBY, and Mr. ISAKSON) proposed an amendment to the bill S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Tax Hike Prevention Act of 2012''.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''December 31, 2012'' both places it appears and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking ''December 31, 2012'' and inserting ''December 31, 2013''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if

included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''$72,450'' and all that follows through ''2011'' in subparagraph (A) and inserting ''$78,750 in the case of taxable years beginning in 2012 and $79,850 in the case of taxable years beginning in 2013'', and

(B) by striking ''$47,450'' and all that follows through ''2011'' in subparagraph (B) and inserting ''$50,600 in the case of taxable years beginning in 2012 and $51,150 in the case of taxable years beginning in 2013''.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''or 2011'' and inserting ''2011, 2012, or 2013'', and

(B) by striking ''2011'' in the heading thereof and inserting ''2013''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) of the Internal Revenue Code of 1986 is amended—

(A) by striking ''2010 or 2011,'' in subparagraph (B) and inserting ''2010, 2011, 2012, or 2013, and'',

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking ''2012'' and inserting ''2013''.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) of such Code is amended—

(A) by striking ''2010 or 2011,'' in subparagraph (B) and inserting ''2010, 2011, 2012, or 2013, and'',

(B) by striking subparagraph (C),

(C) by redesignating subparagraph (D) as subparagraph (C), and

(D) in subparagraph (C), as so redesignated, by striking ''2012'' and inserting ''2013''.

(3) CONFORMING AMENDMENT.—Subsection (b) of section 179 of such Code is amended by striking paragraph (6).

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(c) ELECTION.—Section 179(c)(2) of the Internal Revenue Code of 1986 is amended by striking ''2013'' and inserting ''2014''.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) of the Internal Revenue Code of 1986 is amended by striking ''2010 or 2011'' and inserting ''2010, 2011, 2012, or 2013''.

(2) CARRYOVER LIMITATION.—

(A) IN GENERAL.—Section 179(f)(4) of such Code is amended by striking ''2011'' each place it appears and inserting ''2013''.

(B) CONFORMING AMENDMENT.—The heading for subparagraph (C) of section 179(f)(4) of such Code is amended by striking ''2010'' and inserting ''2010, 2011 AND 2012''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 6. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

SA 2574. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.

(a) IN GENERAL.—Section 202(c) of the Federal Power Act (16 U.S.C. 824a(c)) is amended—

(1) by striking ''(c) During'' and inserting the following:

''(c) TEMPORARY CONNECTION AND EXCHANGE OF FACILITIES DURING EMERGENCY.—

''(1) IN GENERAL.—During''; and

(2) by adding at the end the following:

''(2) COMPLIANCE WITH OR VIOLATION OF ENVIRONMENTAL LAWS WHILE UNDER EMERGENCY ORDER.—

''(A) IN GENERAL.—If an order issued under this subsection may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation, the Commission shall ensure that the order—

''(i) requires generation, delivery, interchange, or transmission of electric energy only during hours necessary to meet the emergency and serve the public interest; and

''(ii) to the maximum extent practicable, is consistent with any applicable Federal, State, or local environmental law or regulation and minimizes any adverse environmental impacts.

''(B) EFFECT OF COMPLIANCE WITH EMERGENCY ORDERS.—To the extent any omission or action taken by a party that is necessary to comply with an order issued under this subsection (including any omission or action taken to voluntarily comply with the order) results in noncompliance with, or causes the party to not comply with, any Federal, State, or local environmental law or regulation, the omission or action shall not be considered a violation of the environmental law or regulation, or subject the party to any requirement, civil or criminal liability, or a citizen suit under the environmental law or regulation.

''(C) TERM OF EMERGENCY ORDERS.—Subject to subparagraph (D), an order issued under this subsection that may result in a conflict with a requirement of any Federal, State, or local environmental law or regulation shall expire not later than 90 days after the order is issued.

''(D) RENEWAL OR REISSUANCE OF EMERGENCY ORDERS.—

''(i) IN GENERAL.—The Commission may renew or reissue the order pursuant to this subsection for subsequent periods, not to exceed 90 days for each period, as the Commission determines necessary to meet the emergency and serve the public interest.

''(ii) ADMINISTRATION.—In renewing or reissuing an order under clause (i), the Commission shall—

''(I) consult with the primary Federal agency with expertise in the environmental interest protected by the law or regulation; and

''(II) include in the renewed or reissued order such conditions as the Federal agency determines necessary to minimize any adverse environmental impacts to the maximum extent practicable.

''(iii) PUBLIC AVAILABILITY OF CONDITIONS.—The conditions, if any, submitted by the Federal agency shall be made available to the public.

''(iv) EXCLUSION OF CONDITIONS.—The Commission may exclude a condition from the renewed or reissued order if the Commission—

''(I) determines that the condition would prevent the order from adequately addressing the emergency necessitating the order; and

''(II) provides in the order, or otherwise makes publicly available, an explanation of the determination.''.

(b) TEMPORARY CONNECTION OR CONSTRUCTION BY MUNICIPALITIES.—Section 202(d) of the Federal Power Act (16 U.S.C. 824a(d)) is amended by inserting ''or municipality'' before ''engaged in the transmission or sale of electric energy''.

SA 2575. Mr. LAUTENBERG (for himself, Mrs. BOXER, Mr. REED, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. SCHUMER, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following

SEC. ___. PROHIBITION ON TRANSFER OR POSSESSION OF LARGE CAPACITY AMMUNITION FEEDING DEVICES.

(a) DEFINITION.—Section 921(a) of title 18, United States Code, is amended by inserting after paragraph (29) the following:

''(30) The term 'large capacity ammunition feeding device'—

''(A) means a magazine, belt, drum, feed strip, or similar device that has a capacity of, or that can be readily restored or converted to accept, more than 10 rounds of ammunition; but

''(B) does not include an attached tubular device designed to accept, and capable of operating only with, .22 caliber rimfire ammunition.''.

(b) PROHIBITIONS.—Section 922 of such title is amended by inserting after subsection (u) the following:

''(v)(1)(A)(i) Except as provided in clause (ii), it shall be unlawful for a person to transfer or possess a large capacity ammunition feeding device.

''(ii) Clause (i) shall not apply to the possession of a large capacity ammunition feeding device otherwise lawfully possessed within the United States on or before the date of the enactment of this subsection.

''(B) It shall be unlawful for any person to import or bring into the United States a large capacity ammunition feeding device.

''(2) Paragraph (1) shall not apply to—

''(A) a manufacture for, transfer to, or possession by the United States or a department or agency of the United States or a State or a department, agency, or political subdivision of a State, or a transfer to or possession by a law enforcement officer employed by such an entity for purposes of law enforcement (whether on or off duty);

''(B) a transfer to a licensee under title I of the Atomic Energy Act of 1954 for purposes of establishing and maintaining an on-site physical protection system and security organization required by Federal law, or possession by an employee or contractor of such a licensee on-site for such purposes or off-site for purposes of licensee-authorized training or transportation of nuclear materials;

''(C) the possession, by an individual who is retired from service with a law enforcement agency and is not otherwise prohibited from receiving ammunition, of a large capacity ammunition feeding device transferred to the individual by the agency upon that retirement; or

''(D) a manufacture, transfer, or possession of a large capacity ammunition feeding device by a licensed manufacturer or licensed importer for the purposes of testing or experimentation authorized by the Attorney General.''.

(c) PENALTIES.—Section 924(a) of such title is amended by adding at the end the following:

''(8) Whoever knowingly violates section 922(v) shall be fined under this title, imprisoned not more than 10 years, or both.''.

(d) IDENTIFICATION MARKINGS.—Section 923(i) of such title is amended by adding at the end the following: ''A large capacity ammunition feeding device manufactured after the date of the enactment of this sentence shall be identified by a serial number that clearly shows that the device was manufactured after such date of enactment, and such other identification as the Attorney General may by regulation prescribe.''.

SA 2576. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

Beginning on page 109, strike line 4 and all that follows through page 110, line 6, and insert the following:

(d) CYBERSECURITY MODELING AND TEST BEDS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Director shall conduct a review of cybersecurity test beds in existence on the date of enactment of this Act to inform the program established under paragraph (2).

(2) ESTABLISHMENT OF PROGRAM.—

(A) IN GENERAL.—The Director of the National Science Foundation, the Secretary, and the Secretary of Commerce shall establish a program for the appropriate Federal agencies to award grants to institutions of higher education or research and development non-profit institutions to establish cybersecurity test beds capable of realistic modeling of real-time cyber attacks and defenses. The test beds shall work to enhance the security of public systems and focus on enhancing the security of critical private sector systems such as those in the finance, energy, and other sectors.

(B) REQUIREMENTS.—

(i) SIZE OF TEST BEDS.—The test beds established under the program established under subparagraph (A) shall be sufficiently large in order to model the scale and complexity of real world networks and environments.

(ii) USE OF EXISTING TEST BEDS.—The test bed program established under subparagraph (A) shall build upon and expand test beds and cyber attack simulation, experiment, and distributed gaming tools developed by the Under Secretary of Homeland Security for Science and Technology prior to the date of enactment of this Act.

(3) PURPOSES.—The purposes of the program established under paragraph (2) shall be to—

(A) support the rapid development of new cybersecurity defenses, techniques, and processes by improving understanding and assessing the latest technologies in a real-world environment; and

(B) to improve understanding among private sector partners of the risk, magnitude, and consequences of cyber attacks.

SA 2577. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—DATA SECURITY

SEC. 801. DEFINITIONS.

In this title, the following definitions shall apply:

(1) BUSINESS ENTITY.—The term ''business entity'' means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(2) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(3) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term ''sensitive personally identifiable information'' means any information or compilation of information, in electronic or digital form that includes the following:

(A) An individual's first and last name or first initial and last name in combination with any 2 of the following data elements:

(i) Home address or telephone number.

(ii) Mother's maiden name.

(iii) Month, day, and year of birth.

(B) A non-truncated social security number, driver's license number, passport number, or alien registration number or other government-issued unique identification number.

(C) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(D) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(E) Any combination of the following data elements:

(i) An individual's first and last name or first initial and last name.

(ii) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(iii) Any security code, access code, or password, or source code that could be used to generate such codes or passwords.

(4) SERVICE PROVIDER.—The term ''service provider'' means a business entity that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the business entity providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and the business entity transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such business entity transmits, routes, stores, or provides connections. Any such business entity shall be treated as a service provider under this title only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

SEC. 802. PURPOSE AND APPLICABILITY OF DATA PRIVACY AND SECURITY PROGRAM.

(a) PURPOSE.—The purpose of this title is to ensure standards for developing and implementing administrative, technical, and physical safeguards to protect the security of sensitive personally identifiable information.

(b) APPLICABILITY.—A business entity engaging in interstate commerce that involves collecting, accessing, transmitting, using, storing, or disposing of sensitive personally identifiable information in electronic or digital form on 10,000 or more United States persons is subject to the requirements for a data privacy and security program under section 803 for protecting sensitive personally identifiable information.

(c) LIMITATIONS.—Notwithstanding any other obligation under this title, this title does not apply to the following:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and standards under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)); and

(B) subject to the jurisdiction of an agency or authority described in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

(2) HIPAA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A Business entity shall be deemed in compliance with this title if the business entity—

(i) is acting as a business associate, as that term is defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(ii) is subject to, and currently in compliance, with the privacy and data security requirements under sections 13401 and 13404 of division A of the American Reinvestment and Recovery Act of 2009 (42 U.S.C. 17931 and 17934) and implementing regulations promulgated under such sections.

(3) SERVICE PROVIDERS.—A service provider for any electronic communication by a third-party, to the extent that the service provider is exclusively engaged in the transmission, routing, or temporary, intermediate, or transient storage of that communication.

(4) PUBLIC RECORDS.—Public records not otherwise subject to a confidentiality or nondisclosure requirement, or information

obtained from a public record, including information obtained from a news report or periodical.

(d) SAFE HARBORS.—

(1) IN GENERAL.—A business entity shall be deemed in compliance with the privacy and security program requirements under section 803 if the business entity complies with or provides protection equal to industry standards or standards widely accepted as an effective industry practice, as identified by the Federal Trade Commission, that are applicable to the type of sensitive personally identifiable information involved in the ordinary course of business of such business entity.

(2) LIMITATION.—Nothing in this subsection shall be construed to permit, and nothing does permit, the Federal Trade Commission to issue regulations requiring, or according greater legal status to, the implementation of or application of a specific technology or technological specifications for meeting the requirements of this title.

SEC. 803. REQUIREMENTS FOR A PERSONAL DATA PRIVACY AND SECURITY PROGRAM.

(a) PERSONAL DATA PRIVACY AND SECURITY PROGRAM.—A business entity subject to this title shall comply with the following safeguards and any other administrative, technical, or physical safeguards identified by the Federal Trade Commission in a rulemaking process pursuant to section 553 of title 5, United States Code, for the protection of sensitive personally identifiable information:

(1) SCOPE.—A business entity shall implement a comprehensive personal data privacy and security program that includes administrative, technical, and physical safeguards appropriate to the size and complexity of the business entity and the nature and scope of its activities.

(2) DESIGN.—The personal data privacy and security program shall be designed to—

(A) ensure the privacy, security, and confidentiality of sensitive personally identifying information;

(B) protect against any anticipated vulnerabilities to the privacy, security, or integrity of sensitive personally identifying information; and

(C) protect against unauthorized access to use of sensitive personally identifying information that could create a significant risk of harm or fraud to any individual.

(3) RISK ASSESSMENT.—A business entity shall—

(A) identify reasonably foreseeable internal and external vulnerabilities that could result in unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information or systems containing sensitive personally identifiable information;

(B) assess the likelihood of and potential damage from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information;

(C) assess the sufficiency of its policies, technologies, and safeguards in place to control and minimize risks from unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information; and

(D) assess the vulnerability of sensitive personally identifiable information during destruction and disposal of such information, including through the disposal or retirement of hardware.

(4) RISK MANAGEMENT AND CONTROL.—Each business entity shall—

(A) design its personal data privacy and security program to control the risks identified under paragraph (3);

(B) adopt measures commensurate with the sensitivity of the data as well as the size, complexity, and scope of the activities of the business entity that—

(i) control access to systems and facilities containing sensitive personally identifiable information, including controls to authenticate and permit access only to authorized individuals;

(ii) detect, record, and preserve information relevant to actual and attempted fraudulent, unlawful, or unauthorized access, disclosure, use, or alteration of sensitive personally identifiable information, including by employees and other individuals otherwise authorized to have access;

(iii) protect sensitive personally identifiable information during use, transmission, storage, and disposal by encryption, redaction, or access controls that are widely accepted as an effective industry practice or industry standard, or other reasonable means (including as directed for disposal of records under section 628 of the Fair Credit Reporting Act (15 U.S.C. 1681w) and the implementing regulations of such Act as set forth in section 682 of title 16, Code of Federal Regulations);

(iv) ensure that sensitive personally identifiable information is properly destroyed and disposed of, including during the destruction of computers, diskettes, and other electronic media that contain sensitive personally identifiable information;

(v) trace access to records containing sensitive personally identifiable information so that the business entity can determine who accessed or acquired such sensitive personally identifiable information pertaining to specific individuals; and

(vi) ensure that no third party or customer of the business entity is authorized to access or acquire sensitive personally identifiable information without the business entity first performing sufficient due diligence to ascertain, with reasonable certainty, that such information is being sought for a valid legal purpose; and

(C) establish a plan and procedures for minimizing the amount of sensitive personally identifiable information maintained by such business entity, which shall provide for the retention of sensitive personally identifiable information only as reasonably needed for the business purposes of such business entity or as necessary to comply with any legal obligation.

(b) TRAINING.—Each business entity subject to this title shall take steps to ensure employee training and supervision for implementation of the data security program of the business entity.

(c) VULNERABILITY TESTING.—

(1) IN GENERAL.—Each business entity subject to this title shall take steps to ensure regular testing of key controls, systems, and procedures of the personal data privacy and security program to detect, prevent, and respond to attacks or intrusions, or other system failures.

(2) FREQUENCY.—The frequency and nature of the tests required under paragraph (1) shall be determined by the risk assessment of the business entity under subsection (a)(3).

(d) RELATIONSHIP TO CERTAIN PROVIDERS OF SERVICES.—In the event a business entity subject to this title engages a person or entity not subject to this title (other than a service provider) to receive sensitive personally identifiable information in performing services or functions (other than the services or functions provided by a service provider) on behalf of and under the instruction of such business entity, such business entity shall—

(1) exercise appropriate due diligence in selecting the person or entity for responsibilities related to sensitive personally identifiable information, and take reasonable steps to select and retain a person or entity that is capable of maintaining appropriate safeguards for the security, privacy, and integrity of the sensitive personally identifiable information at issue; and

(2) require the person or entity by contract to implement and maintain appropriate measures designed to meet the objectives and requirements governing entities subject to this section.

(e) PERIODIC ASSESSMENT AND PERSONAL DATA PRIVACY AND SECURITY MODERNIZATION.—Each business entity subject to this title shall on a regular basis monitor, evaluate, and adjust, as appropriate its data privacy and security program in light of any relevant changes in—

(1) technology;

(2) the sensitivity of personally identifiable information;

(3) internal or external threats to personally identifiable information; and

(4) the changing business arrangements of the business entity, such as—

(A) mergers and acquisitions;

(B) alliances and joint ventures;

(C) outsourcing arrangements;

(D) bankruptcy; and

(E) changes to sensitive personally identifiable information systems.

(f) IMPLEMENTATION TIMELINE.—Not later than 1 year after the date of enactment of this title, a business entity subject to the provisions of this title shall implement a data privacy and security program pursuant to this title.

SEC. 804. ENFORCEMENT.

(a) CIVIL PENALTIES.—

(1) IN GENERAL.—Any business entity that violates the provisions of section 803 shall be subject to civil penalties of not more than $5,000 per violation per day while such a violation exists, with a maximum of $500,000 per violation.

(2) INTENTIONAL OR WILLFUL VIOLATION.—A business entity that intentionally or willfully violates the provisions of section 803 shall be subject to additional penalties in the amount of $5,000 per violation per day while such a violation exists, with a maximum of an additional $500,000 per violation.

(3) PENALTY LIMITS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions shall not exceed $500,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds $500,000.

(4) EQUITABLE RELIEF.—A business entity engaged in interstate commerce that violates a provision of this title may be enjoined from further violations by a United States district court.

(5) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this section are cumulative and shall not affect any other rights and remedies available under law.

(b) FEDERAL TRADE COMMISSION AUTHORITY.—Any business entity shall have the provisions of this title enforced against it by the Federal Trade Commission.

(c) STATE ENFORCEMENT.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the acts or practices of a business entity that violate this title, the State may bring a civil action on behalf of the residents of that State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that act or practice;

(B) enforce compliance with this title; or

(C) obtain civil penalties of not more than $5,000 per violation per day while such violations persist, up to a maximum of $500,000 per violation.

(2) PENALTY LIMITS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions shall not exceed $500,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds $500,000.

(3) NOTICE.—

(A) IN GENERAL.—Before filing an action under this subsection, the attorney general of the State involved shall provide to the Federal Trade Commission—

(i) a written notice of that action; and

(ii) a copy of the complaint for that action.

(B) EXCEPTION.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general of a State determines that it is not feasible to provide the notice described in this subparagraph before the filing of the action.

(C) NOTIFICATION WHEN PRACTICABLE.—In an action described under subparagraph (B), the attorney general of a State shall provide the written notice and the copy of the complaint to the Federal Trade Commission as soon after the filing of the complaint as practicable.

(4) FEDERAL TRADE COMMISSION AUTHORITY.—Upon receiving notice under paragraph (3), the Federal Trade Commission shall have the right to—

(A) move to stay the action, pending the final disposition of a pending Federal proceeding or action as described in paragraph (5);

(B) intervene in an action brought under paragraph (1); and

(C) file petitions for appeal.

(5) PENDING PROCEEDINGS.—If the Federal Trade Commission initiates a Federal civil action for a violation of this title, or any regulations thereunder, no attorney general of a State may bring an action for a violation of this title that resulted from the same or related acts or omissions against a defendant named in the Federal civil action initiated by the Federal Trade Commission.

(6) RULE OF CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1) nothing in this title shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(A) conduct investigations;

(B) administer oaths and affirmations; or

(C) compel the attendance of witnesses or the production of documentary and other evidence.

(7) VENUE; SERVICE OF PROCESS.—

(A) VENUE.—Any action brought under this subsection may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(B) SERVICE OF PROCESS.—In an action brought under this subsection, process may be served in any district in which the defendant—

(i) is an inhabitant; or

(ii) may be found.

(d) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a business entity for violation of any provision of this title.

SEC. 805. RELATION TO OTHER LAWS.

(a) IN GENERAL.—No State may require any business entity subject to this title to comply with any requirements with respect to administrative, technical, and physical safeguards for the protection of personal information.

(b) LIMITATIONS.—Nothing in this title shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act or its implementing regulations, including those adopted or enforced by States.

SA 2578. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION ___—DATA BREACHES

SECTION 1. SHORT TITLE.

This division may be cited as the ''Personal Data Privacy and Security Act of 2012''.

SEC. 2. FINDINGS.

Congress finds that—

(1) databases of personally identifiable information are increasingly prime targets of hackers, identity thieves, rogue employees, and other criminals, including organized and sophisticated criminal operations;

(2) identity theft is a serious threat to the Nation's economic stability, national security, homeland security, cybersecurity, the development of e-commerce, and the privacy rights of Americans;

(3) security breaches are a serious threat to consumer confidence, homeland security, national security, e-commerce, and economic stability;

(4) it is important for business entities that own, use, or license personally identifiable information to adopt reasonable procedures to ensure the security, privacy, and confidentiality of that personally identifiable information;

(5) individuals whose personal information has been compromised or who have been victims of identity theft should receive the necessary information and assistance to mitigate their damages and to restore the integrity of their personal information and identities;

(6) data misuse and use of inaccurate data have the potential to cause serious or irreparable harm to an individual's livelihood, privacy, and liberty and undermine efficient and effective business and government operations;

(7) government access to commercial data can potentially improve safety, law enforcement, and national security; and

(8) because government use of commercial data containing personal information potentially affects individual privacy, and law enforcement and national security operations, there is a need for Congress to exercise oversight over government use of commercial data.

SEC. 3. DEFINITIONS.

In this division, the following definitions shall apply:

(1) AFFILIATE.—The term ''affiliate'' means persons related by common ownership or by corporate control.

(2) AGENCY.—The term ''agency'' has the same meaning given such term in section 551 of title 5, United States Code.

(3) BUSINESS ENTITY.—The term ''business entity'' means any organization, corporation, trust, partnership, sole proprietorship, unincorporated association, or venture established to make a profit, or nonprofit.

(4) DATA SYSTEM COMMUNICATION INFORMATION.—The term ''data system communication information'' means dialing, routing, addressing, or signaling information that identifies the origin, direction, destination, processing, transmission, or termination of each communication initiated, attempted, or received.

(5) DESIGNATED ENTITY.—The term ''designated entity'' means the Federal Government entity designated by the Secretary of Homeland Security under section 206(a).

(6) ENCRYPTION.—The term ''encryption''—

(A) means the protection of data in electronic form, in storage or in transit, using an encryption technology that has been generally accepted by experts in the field of information security that renders such data indecipherable in the absence of associated cryptographic keys necessary to enable decryption of such data; and

(B) includes appropriate management and safeguards of such cryptographic keys so as to protect the integrity of the encryption.

(7) IDENTITY THEFT.—The term ''identity theft'' means a violation of section 1028(a)(7) of title 18, United States Code.

(8) PERSONALLY IDENTIFIABLE INFORMATION.—The term ''personally identifiable information'' means any information, or compilation of information, in electronic or digital form that is a means of identification, as defined by section 1028(d)(7) of title 18, United State Code.

(9) PUBLIC RECORD SOURCE.—The term ''public record source'' means the Congress, any agency, any State or local government agency, the government of the District of Columbia and governments of the territories or possessions of the United States, and Federal, State or local courts, courts martial and military commissions, that maintain personally identifiable information in records available to the public.

(10) SECURITY BREACH.—

(A) IN GENERAL.—The term ''security breach'' means compromise of the security, confidentiality, or integrity of, or the loss of, computerized data that result in, or that there is a reasonable basis to conclude has resulted in—

(i) the unauthorized acquisition of sensitive personally identifiable information; and

(ii) access to sensitive personally identifiable information that is for an unauthorized purpose, or in excess of authorization.

(B) EXCLUSION.—The term ''security breach'' does not include—

(i) a good faith acquisition of sensitive personally identifiable information by a business entity or agency, or an employee or agent of a business entity or agency, if the sensitive personally identifiable information is not subject to further unauthorized disclosure;

(ii) the release of a public record not otherwise subject to confidentiality or nondisclosure requirements or the release of information obtained from a public record, including information obtained from a news report or periodical; or

(iii) any lawfully authorized investigative, protective, or intelligence activity of a law enforcement or intelligence agency of the United States, a State, or a political subdivision of a State.

(11) SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.—The term ''sensitive personally identifiable information'' means any information or compilation of information, in electronic or digital form that includes the following:

(A) An individual's first and last name or first initial and last name in combination with any two of the following data elements:

(i) Home address or telephone number.

(ii) Mother's maiden name.

(iii) Month, day, and year of birth.

(B) A non-truncated social security number, driver's license number, passport number, or alien registration number or other government-issued unique identification number.

(C) Unique biometric data such as a finger print, voice print, a retina or iris image, or any other unique physical representation.

(D) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(E) Any combination of the following data elements:

(i) An individual's first and last name or first initial and last name.

(ii) A unique account identifier, including a financial account number or credit or debit card number, electronic identification number, user name, or routing code.

(iii) Any security code, access code, or password, or source code that could be used to generate such codes or passwords.

(12) SERVICE PROVIDER.—The term ''service provider'' means a business entity that provides electronic data transmission, routing, intermediate and transient storage, or connections to its system or network, where the business entity providing such services does not select or modify the content of the electronic data, is not the sender or the intended recipient of the data, and the business entity transmits, routes, stores, or provides connections for personal information in a manner that personal information is undifferentiated from other types of data that such business entity transmits, routes, stores, or provides connections. Any such business entity shall be treated as a service provider under this division only to the extent that it is engaged in the provision of such transmission, routing, intermediate and transient storage or connections.

TITLE I—CONCEALMENT OF SECURITY BREACHES

SEC. 101. CONCEALMENT OF SECURITY BREACHES INVOLVING SENSITIVE PERSONALLY IDENTIFIABLE INFORMATION.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Concealment of security breaches involving sensitive personally identifiable information

''(a) IN GENERAL.—Whoever, having knowledge of a security breach and of the fact that notice of such security breach is required under title II of the Personal Data Privacy and Security Act of 2012, intentionally and willfully conceals the fact of such security breach, shall, in the event that such security breach results in economic harm to any individual in the amount of $1,000 or more, be fined under this title or imprisoned for not more than 5 years, or both.

''(b) PERSON DEFINED.—For purposes of subsection (a), the term 'person' has the same meaning as in section 1030(e)(12) of title 18, United States Code.

''(c) NOTICE REQUIREMENT.—Any person seeking an exemption under section 202(b) of the Personal Data Privacy and Security Act of 2012 shall be immune from prosecution under this section if the Federal Trade Commission does not indicate, in writing, that such notice be given under section 202(b)(1)(C) of such Act.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Concealment of security breaches involving sensitive personally identifiable information.''.

(c) ENFORCEMENT AUTHORITY.—

(1) IN GENERAL.—The United States Secret Service and Federal Bureau of Investigation shall have the authority to investigate offenses under this section.

(2) NONEXCLUSIVITY.—The authority granted in paragraph (1) shall not be exclusive of any existing authority held by any other Federal agency.

TITLE II—SECURITY BREACH NOTIFICATION

SEC. 201. NOTICE TO INDIVIDUALS.

(a) IN GENERAL.—Any agency, or business entity engaged in interstate commerce, other than a service provider, that uses, accesses, transmits, stores, disposes of or collects sensitive personally identifiable information shall, following the discovery of a security breach of such information, notify any resident of the United States whose sensitive personally identifiable information has been, or is reasonably believed to have been, accessed, or acquired.

(b) OBLIGATION OF OWNER OR LICENSEE.—

(1) NOTICE TO OWNER OR LICENSEE.—Any agency, or business entity engaged in interstate commerce, that uses, accesses, transmits, stores, disposes of, or collects sensitive personally identifiable information that the agency or business entity does not own or license shall notify the owner or licensee of the information following the discovery of a security breach involving such information.

(2) NOTICE BY OWNER, LICENSEE, OR OTHER DESIGNATED THIRD PARTY.—Nothing in this title shall prevent or abrogate an agreement between an agency or business entity required to give notice under this section and a designated third party, including an owner or licensee of the sensitive personally identifiable information subject to the security breach, to provide the notifications required under subsection (a).

(3) BUSINESS ENTITY RELIEVED FROM GIVING NOTICE.—A business entity obligated to give notice under subsection (a) shall be relieved of such obligation if an owner or licensee of the sensitive personally identifiable information subject to the security breach, or other designated third party, provides such notification.

(4) SERVICE PROVIDERS.—If a service provider becomes aware of a security breach of data in electronic form containing sensitive personal information that is owned or possessed by another business entity that connects to or uses a system or network provided by the service provider for the purpose of transmitting, routing, or providing intermediate or transient storage of such data, the service provider shall be required to notify the business entity who initiated such connection, transmission, routing, or storage of the security breach if the business entity can be reasonably identified. Upon receiving such notification from a service provider, the business entity shall be required to provide the notification required under subsection (a).

(c) TIMELINESS OF NOTIFICATION.—

(1) IN GENERAL.—All notifications required under this section shall be made without unreasonable delay following the discovery by the agency or business entity of a security breach.

(2) REASONABLE DELAY.—

(A) IN GENERAL.—Reasonable delay under this subsection may include any time necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment described in section 202(b)(1)(A), and restore the reasonable integrity of the data system and provide notice to law enforcement when required.

(B) EXTENSION.—

(i) IN GENERAL.—Except as provided in section 202, delay of notification shall not exceed 60 days following the discovery of the security breach, unless the business entity or agency request an extension of time and the Federal Trade Commission determines in writing that additional time is reasonably necessary to determine the scope of the security breach, prevent further disclosures, conduct the risk assessment, restore the reasonable integrity of the data system, or to provide notice to the entity designated by the Secretary of Homeland Security pursuant to section 206.

(ii) APPROVAL OF REQUEST.—If the Federal Trade Commission approves the request for delay, the agency or business entity may delay the time period for notification for additional periods of up to 30 days.

(3) BURDEN OF PRODUCTION.—The agency, business entity, owner, or licensee required to provide notice under this title shall, upon the request of the Attorney General or the Federal Trade Commission provide records or other evidence of the notifications required under this title, including to the extent applicable, the reasons for any delay of notification.

(d) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT OR NATIONAL SECURITY PURPOSES.—

(1) IN GENERAL.—If the United States Secret Service or the Federal Bureau of Investigation determines that the notification required under this section would impede a criminal investigation, or national security activity, such notification shall be delayed upon written notice from the United States Secret Service or the Federal Bureau of Investigation to the agency or business entity that experienced the breach. The notification from the United States Secret Service or the Federal Bureau of Investigation shall specify in writing the period of delay requested for law enforcement or national security purposes.

(2) EXTENDED DELAY OF NOTIFICATION.—If the notification required under subsection (a) is delayed pursuant to paragraph (1), an agency or business entity shall give notice 30 days after the day such law enforcement or national security delay was invoked unless a Federal law enforcement or intelligence agency provides written notification that further delay is necessary.

(3) LAW ENFORCEMENT IMMUNITY.—No nonconstitutional cause of action shall lie in any court against any agency for acts relating to the delay of notification for law enforcement or national security purposes under this title.

(e) LIMITATIONS.—Notwithstanding any other obligation under this title, this title does not apply to the following:

(1) FINANCIAL INSTITUTIONS.—Financial institutions—

(A) subject to the data security requirements and standards under section 501(b) of the Gramm-Leach-Bliley Act (15 U.S.C. 6801(b)); and

(B) subject to the jurisdiction of an agency or authority described in section 505(a) of the Gramm-Leach-Bliley Act (15 U.S.C. 6805(a)).

(2) HIPAA REGULATED ENTITIES.—

(A) COVERED ENTITIES.—Covered entities subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.), including the data security requirements and implementing regulations of that Act.

(B) BUSINESS ENTITIES.—A business entity shall be deemed in compliance with this division if the business entity—

(i)(I) is acting as a covered entity and as a business associate, as those terms are defined under the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) and is in compliance with the requirements imposed under that Act and implementing regulations promulgated under that Act; and

(II) is subject to, and currently in compliance, with the data breach notification, privacy and data security requirements under the Health Information Technology for Economic and Clinical Health (HITECH) Act, (42 U.S.C. 17932) and implementing regulations promulgated thereunder; or

(ii) is acting as a vendor of personal health records and third party service provider, subject to the Health Information Technology for Economic and Clinical Health (HITECH) Act (42 U.S.C. 17937), including the data breach notification requirements and implementing regulations of that Act.

SEC. 202. EXEMPTIONS.

(a) EXEMPTION FOR NATIONAL SECURITY AND LAW ENFORCEMENT.—

(1) IN GENERAL.—Section 201 shall not apply to an agency or business entity if—

(A) the United States Secret Service or the Federal Bureau of Investigation determines that notification of the security breach could be expected to reveal sensitive sources and methods or similarly impede the ability of the Government to conduct law enforcement investigations; or

(B) the Federal Bureau of Investigation determines that notification of the security breach could be expected to cause damage to the national security.

(2) IMMUNITY.—No nonconstitutional cause of action shall lie in any court against any Federal agency for acts relating to the exemption from notification for law enforcement or national security purposes under this title.

(b) SAFE HARBOR.—

(1) IN GENERAL.—An agency or business entity shall be exempt from the notice requirements under section 201, if—

(A) a risk assessment conducted by the agency or business entity concludes that, based upon the information available, there is no significant risk that a security breach has resulted in, or will result in, identity theft, economic loss or harm, or physical harm to the individuals whose sensitive personally identifiable information was subject to the security breach;

(B) without unreasonable delay, but not later than 45 days after the discovery of a security breach, unless extended by the Federal Trade Commission, the agency or business entity notifies the Federal Trade Commission, in writing, of—

(i) the results of the risk assessment; and

(ii) its decision to invoke the risk assessment exemption; and

(C) the Federal Trade Commission does not indicate, in writing, within 10 business days from receipt of the decision, that notice should be given.

(2) REBUTTABLE PRESUMPTIONS.—For purposes of paragraph (1)—

(A) the encryption of sensitive personally identifiable information described in paragraph (1)(A) shall establish a rebuttable presumption that no significant risk exists; and

(B) the rendering of sensitive personally identifiable information described in paragraph (1)(A) unusable, unreadable, or indecipherable through data security technology or methodology that is generally accepted by experts in the field of information security, such as redaction or access controls shall establish a rebuttable presumption that no significant risk exists.

(3) VIOLATION.—It shall be a violation of this section to—

(A) fail to conduct the risk assessment in a reasonable manner, or according to standards generally accepted by experts in the field of information security; or

(B) submit the results of a risk assessment that contains fraudulent or deliberately misleading information.

(c) FINANCIAL FRAUD PREVENTION EXEMPTION.—

(1) IN GENERAL.—A business entity will be exempt from the notice requirement under section 201 if the business entity utilizes or participates in a security program that—

(A) effectively blocks the use of the sensitive personally identifiable information to initiate unauthorized financial transactions before they are charged to the account of the individual; and

(B) provides for notice to affected individuals after a security breach that has resulted in fraud or unauthorized transactions.

(2) LIMITATION.—The exemption in paragraph (1) does not apply if the information subject to the security breach includes an individual's first and last name, or any other type of sensitive personally identifiable information as defined in section 3, unless that information is only a credit card number or credit card security code.

SEC. 203. METHODS OF NOTICE.

An agency or business entity shall be in compliance with section 201 if it provides the following:

(1) INDIVIDUAL NOTICE.—Notice to individuals by 1 of the following means:

(A) Written notification to the last known home mailing address of the individual in the records of the agency or business entity.

(B) Telephone notice to the individual personally.

(C) E-mail notice, if the individual has consented to receive such notice and the notice is consistent with the provisions permitting electronic transmission of notices under section 101 of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7001).

(2) MEDIA NOTICE.—Notice to major media outlets serving a State or jurisdiction, if the number of residents of such State whose sensitive personally identifiable information was, or is reasonably believed to have been, accessed or acquired by an unauthorized person exceeds 5,000.

SEC. 204. CONTENT OF NOTIFICATION.

(a) IN GENERAL.—Regardless of the method by which notice is provided to individuals under section 203, such notice shall include, to the extent possible—

(1) a description of the categories of sensitive personally identifiable information that was, or is reasonably believed to have been, accessed or acquired by an unauthorized person;

(2) a toll-free number—

(A) that the individual may use to contact the agency or business entity, or the agent of the agency or business entity; and

(B) from which the individual may learn what types of sensitive personally identifiable information the agency or business entity maintained about that individual; and

(3) the toll-free contact telephone numbers and addresses for the major credit reporting agencies.

(b) ADDITIONAL CONTENT.—Notwithstanding section 209, a State may require that a notice under subsection (a) shall also include information regarding victim protection assistance provided for by that State.

(c) DIRECT BUSINESS RELATIONSHIP.—Regardless of whether a business entity, agency, or a designated third party provides the notice required pursuant to section 201(b), such notice shall include the name of the business entity or agency that has a direct relationship with the individual being notified.

SEC. 205. COORDINATION OF NOTIFICATION WITH CREDIT REPORTING AGENCIES.

If an agency or business entity is required to provide notification to more than 5,000 individuals under section 201(a), the agency or business entity shall also notify all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis (as defined in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)) of the timing and distribution of the notices. Such notice shall be given to the consumer credit reporting agencies without unreasonable delay and, if it will not delay notice to the affected individuals, prior to the distribution of notices to the affected individuals.

SEC. 206. NOTICE TO LAW ENFORCEMENT.

(a) DESIGNATION OF GOVERNMENT ENTITY TO RECEIVE NOTICE.—

(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary of Homeland Security shall designate a Federal Government entity to receive the notices required under section 201 and this section, and any other reports and information about information security incidents, threats, and vulnerabilities.

(2) RESPONSIBILITIES OF THE DESIGNATED ENTITY.—The designated entity shall—

(A) be responsible for promptly providing the information that it receives to the United States Secret Service and the Federal Bureau of Investigation, and to the Federal Trade Commission for civil law enforcement purposes; and

(B) provide the information described in subparagraph (A) as appropriate to other Federal agencies for law enforcement, national security, or data security purposes.

(b) NOTICE.—Any business entity or agency shall notify the designated entity of the fact that a security breach has occurred if—

(1) the number of individuals whose sensitive personally identifying information was, or is reasonably believed to have been accessed or acquired by an unauthorized person exceeds 5,000;

(2) the security breach involves a database, networked or integrated databases, or other data system containing the sensitive personally identifiable information of more than 500,000 individuals nationwide;

(3) the security breach involves databases owned by the Federal Government; or

(4) the security breach involves primarily sensitive personally identifiable information

of individuals known to the agency or business entity to be employees and contractors of the Federal Government involved in national security or law enforcement.

(c) FTC RULEMAKING AND REVIEW OF THRESHOLDS.—Not later 1 year after the date of the enactment of this Act, the Federal Trade Commission, in consultation with the Attorney General of the United States and the Secretary of Homeland Security, shall promulgate regulations regarding the reports required under subsection (a). The Federal Trade Commission, in consultation with the Attorney General and the Secretary of Homeland Security, after notice and the opportunity for public comment, and in a manner consistent with this section, shall promulgate regulations, as necessary, under section 553 of title 5, United States Code, to adjust the thresholds for notice to law enforcement and national security authorities under subsection (a) and to facilitate the purposes of this section.

(d) TIMING.—The notice required under subsection (a) shall be provided as promptly as possible, but such notice must be provided either 72 hours before notice is provided to an individual pursuant to section 201, or not later than 10 days after the business entity or agency discovers the security breach or discovers that the nature of the security breach requires notice to law enforcement under this section, whichever occurs first.

SEC. 207. ENFORCEMENT.

(a) IN GENERAL.—The Attorney General of the United States and the Federal Trade Commission may enforce civil violations of section 201.

(b) CIVIL ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—

(1) IN GENERAL.—The Attorney General may bring a civil action in the appropriate United States district court against any business entity that engages in conduct constituting a violation of this title and, upon proof of such conduct by a preponderance of the evidence, such business entity shall be subject to a civil penalty of not more than $11,000 per day per security breach.

(2) PENALTY LIMITATION.—Notwithstanding any other provision of law, the total amount of the civil penalty assessed against a business entity for conduct involving the same or related acts or omissions that results in a violation of this title may not exceed $1,000,000.

(3) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(4) ADDITIONAL PENALTY LIMIT.—If a court determines under paragraph (3) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds $1,000,000.

(c) INJUNCTIVE ACTIONS BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—If it appears that a business entity has engaged, or is engaged, in any act or practice constituting a violation of this title, the Attorney General may petition an appropriate district court of the United States for an order—

(A) enjoining such act or practice; or

(B) enforcing compliance with this title.

(2) ISSUANCE OF ORDER.—A court may issue an order under paragraph (1), if the court finds that the conduct in question constitutes a violation of this title.

(d) CIVIL ACTIONS BY THE FEDERAL TRADE COMMISSION.—

(1) IN GENERAL.—Compliance with the requirements imposed under this title may be enforced under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) by the Federal Trade Commission with respect to business entities subject to this division. All of the functions and powers of the Federal Trade Commission under the Federal Trade Commission Act are available to the Federal Trade Commission to enforce compliance by any person with the requirements imposed under this title.

(2) PENALTY LIMITATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions may not exceed $1,000,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds $1,000,000.

(3) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—For the purpose of the exercise by the Federal Trade Commission of its functions and powers under the Federal Trade Commission Act, a violation of any requirement or prohibition imposed under this title shall constitute an unfair or deceptive act or practice in commerce in violation of a regulation under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(I)(B)) regarding unfair or deceptive acts or practices and shall be subject to enforcement by the Federal Trade Commission under that Act with respect to any business entity, irrespective of whether that business entity is engaged in commerce or meets any other jurisdictional tests in the Federal Trade Commission Act.

(e) COORDINATION OF ENFORCEMENT.—

(1) IN GENERAL.—Before opening an investigation, the Federal Trade Commission shall consult with the Attorney General.

(2) LIMITATION.—The Federal Trade Commission may initiate investigations under this subsection unless the Attorney General determines that such an investigation would impede an ongoing criminal investigation or national security activity.

(3) COORDINATION AGREEMENT.—

(A) IN GENERAL.—In order to avoid conflicts and promote consistency regarding the enforcement and litigation of matters under this division, not later than 180 days after the enactment of this Act, the Attorney General and the Commission shall enter into an agreement for coordination regarding the enforcement of this division

(B) REQUIREMENT.—The coordination agreement entered into under subparagraph (A) shall include provisions to ensure that parallel investigations and proceedings under this section are conducted in a matter that avoids conflicts and does not impede the ability of the Attorney General to prosecute violations of Federal criminal laws.

(4) COORDINATION WITH THE FCC.—If an enforcement action under this division relates to customer proprietary network information, the Federal Trade Commission shall coordinate the enforcement action with the Federal Communications Commission.

(f) RULEMAKING.—The Federal Trade Commission may, in consultation with the Attorney General, issue such other regulations as it determines to be necessary to carry out this title. All regulations promulgated under this division shall be issued in accordance with section 553 of title 5, United States Code. Where regulations relate to customer proprietary network information, the promulgation of such regulations will be coordinated with the Federal Communications Commission.

(g) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this title are cumulative and shall not affect any other rights and remedies available under law.

(h) FRAUD ALERT.—Section 605A(b)(1) of the Fair Credit Reporting Act (15 U.S.C. 1681c–1(b)(1)) is amended by inserting ‘‘, or evidence that the consumer has received notice that the consumer’s financial information has or may have been compromised,’’ after ‘‘identity theft report’’.

SEC. 208. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State or any State or local law enforcement agency authorized by the State attorney general or by State statute to prosecute violations of consumer protection law, has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of a business entity in a practice that is prohibited under this title, the State or the State or local law enforcement agency on behalf of the residents of the agency’s jurisdiction, may bring a civil action on behalf of the residents of the State or jurisdiction in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this title; or

(C) civil penalties of not more than $11,000 per day per security breach up to a maximum of $1,000,000 per violation, unless such conduct is found to be willful or intentional.

(2) PENALTY LIMITATION.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the total sum of civil penalties assessed against a business entity for all violations of the provisions of this title resulting from the same or related acts or omissions may not exceed $1,000,000, unless such conduct is found to be willful or intentional.

(B) DETERMINATIONS.—The determination of whether a violation of a provision of this title has occurred, and if so, the amount of the penalty to be imposed, if any, shall be made by the court sitting as the finder of fact. The determination of whether a violation of a provision of this title was willful or intentional, and if so, the amount of the additional penalty to be imposed, if any, shall be made by the court sitting as the finder of fact.

(C) ADDITIONAL PENALTY LIMIT.—If a court determines under subparagraph (B) that a violation of a provision of this title was willful or intentional and imposes an additional penalty, the court may not impose an additional penalty in an amount that exceeds $1,000,000.

(3) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General of the United States—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this title, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) FEDERAL PROCEEDINGS.—Upon receiving notice under subsection (a)(3), the Attorney General shall have the right to—

(1) move to stay the action, pending the final disposition of a pending Federal proceeding or action;

(2) initiate an action in the appropriate United States district court under section 207 and move to consolidate all pending actions, including State actions, in such court;

(3) intervene in an action brought under subsection (a)(1); and

(4) file petitions for appeal.

(c) PENDING PROCEEDINGS.—If the Attorney General or the Federal Trade Commission initiate a criminal proceeding or civil action for a violation of a provision of this title, or any regulations thereunder, no attorney general of a State may bring an action for a violation of a provision of this title against a defendant named in the Federal criminal proceeding or civil action.

(d) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this title regarding notification shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in—

(A) the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code; or

(B) another court of competent jurisdiction.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

(f) NO PRIVATE CAUSE OF ACTION.—Nothing in this title establishes a private cause of action against a business entity for violation of any provision of this title.

SEC. 209. EFFECT ON FEDERAL AND STATE LAW.

For any entity, or agency that is subject to this title, the provisions of this title shall supersede any other provision of Federal law, or any provisions of the law of any State, relating to notification of a security breach, except as provided in section 204(b). Nothing in this title shall be construed to modify, limit, or supersede the operation of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) or its implementing regulations, including those regulations adopted or enforced by States, the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1301 et seq.) or its implementing regulations, or the Health Information Technology for Economic and Clinical Health Act (42 U.S.C. 17937) or its implementing regulations.

SEC. 210. REPORTING ON EXEMPTIONS.

(a) FTC REPORT.—Not later than 18 months after the date of enactment of this Act, and upon request by Congress thereafter, the Federal Trade Commission shall submit a report to Congress on the number and nature of the security breaches described in the notices filed by those business entities invoking the risk assessment exemption under section 202(b) and their response to such notices.

(b) LAW ENFORCEMENT REPORT.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and upon the request by Congress thereafter, the United States Secret Service and Federal Bureau of Investigation shall submit a report to Congress on the number and nature of security breaches subject to the national security and law enforcement exemptions under section 202(a).

(2) REQUIREMENT.—The report required under paragraph (1) shall not include the contents of any risk assessment provided to the United States Secret Service and the Federal Bureau of Investigation under this title.

SEC. 211. EFFECTIVE DATE.

This title shall take effect 90 days after the date of enactment of this Act.

TITLE III—COMPLIANCE WITH STATUTORY PAY-AS-YOU-GO ACT

SEC. 301. BUDGET COMPLIANCE.

The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled ''Budgetary Effects of PAYGO Legislation'' for this division, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2579. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, insert the following:

TITLE ____—CYBER CRIME PROTECTION SECURITY ACT

SEC. __01. SHORT TITLE.

This title may be cited as the ''Cyber Crime Protection Security Act''.

SEC. __02. ORGANIZED CRIMINAL ACTIVITY IN CONNECTION WITH UNAUTHORIZED ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.

Section 1961(1) of title 18, United States Code, is amended by inserting ''section 1030 (relating to fraud and related activity in connection with computers) if the act is a felony,'' before ''section 1084''.

SEC. __03. PENALTIES FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030(c) of title 18, United States Code, is amended to read as follows:

''(c) The punishment for an offense under subsection (a) or (b) of this section is—

''(1) a fine under this title or imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(1) of this section;

''(2)(A) except as provided in subparagraph (B), a fine under this title or imprisonment for not more than 3 years, or both, in the case of an offense under subsection (a)(2); or

''(B) a fine under this title or imprisonment for not more than ten years, or both, in the case of an offense under paragraph (a)(2) of this section, if—

''(i) the offense was committed for purposes of commercial advantage or private financial gain;

''(ii) the offense was committed in the furtherance of any criminal or tortious act in violation of the Constitution or laws of the United States, or of any State; or

''(iii) the value of the information obtained, or that would have been obtained if the offense was completed, exceeds $5,000;

''(3) a fine under this title or imprisonment for not more than 1 year, or both, in the case of an offense under subsection (a)(3) of this section;

''(4) a fine under this title or imprisonment of not more than 20 years, or both, in the case of an offense under subsection (a)(4) of this section;

''(5)(A) except as provided in subparagraph (D), a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A) of this section, if the offense caused—

''(i) loss to 1 or more persons during any 1-year period (and, for purposes of an investigation, prosecution, or other proceeding brought by the United States only, loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety;

''(v) damage affecting a computer used by, or on behalf of, an entity of the United States Government in furtherance of the administration of justice, national defense, or national security; or

''(vi) damage affecting 10 or more protected computers during any 1-year period;

''(B) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(B), if the offense caused a harm provided in clause (i) through (vi) of subparagraph (A) of this subsection;

''(C) if the offender attempts to cause or knowingly or recklessly causes death from conduct in violation of subsection (a)(5)(A), a fine under this title, imprisonment for any term of years or for life, or both; or

''(D) a fine under this title, imprisonment for not more than 1 year, or both, for any other offense under subsection (a)(5);

''(6) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(6) of this section; or

''(7) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(7) of this section.''.

SEC. __04. TRAFFICKING IN PASSWORDS.

Section 1030(a) of title 18, United States Code, is amended by striking paragraph (6) and inserting the following:

''(6) knowingly and with intent to defraud traffics (as defined in section 1029) in—

''(A) any password or similar information or means of access through which a protected computer as defined in subparagraphs (A) and (B) of subsection (e)(2) may be accessed without authorization; or

''(B) any means of access through which a protected computer as defined in subsection (e)(2)(A) may be accessed without authorization.''.

SEC. __05. CONSPIRACY AND ATTEMPTED COMPUTER FRAUD OFFENSES.

Section 1030(b) of title 18, United States Code, is amended by inserting ''for the completed offense'' after ''punished as provided''.

SEC. __06. CRIMINAL AND CIVIL FORFEITURE FOR FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

Section 1030 of title 18, United States Code, is amended by striking subsections (i) and (j) and inserting the following:

''(i) CRIMINAL FORFEITURE.—

''(1) The court, in imposing sentence on any person convicted of a violation of this section, or convicted of conspiracy to violate this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) such person's interest in any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of such violation; and

''(B) any property, real or personal, constituting or derived from any gross proceeds, or any property traceable to such property, that such person obtained, directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.

''(j) CIVIL FORFEITURE.—

''(1) The following shall be subject to forfeiture to the United States and no property right, real or personal, shall exist in them:

''(A) Any property, real or personal, that was used, or intended to be used, to commit or facilitate the commission of any violation of this section, or a conspiracy to violate this section.

''(B) Any property, real or personal, constituting or derived from any gross proceeds obtained directly or indirectly, or any property traceable to such property, as a result of the commission of any violation of this section, or a conspiracy to violate this section.

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

SEC. __07. DAMAGE TO CRITICAL INFRASTRUCTURE COMPUTERS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1030 the following:

''SEC. 1030A. AGGRAVATED DAMAGE TO A CRITICAL INFRASTRUCTURE COMPUTER.

''(a) DEFINITIONS.—In this section—

''(1) the terms 'computer' and 'damage' have the meanings given such terms in section 1030; and

''(2) the term 'critical infrastructure computer' means a computer that manages or controls systems or assets vital to national defense, national security, national economic security, public health or safety, or any combination of those matters, whether publicly or privately owned or operated, including—

''(A) gas and oil production, storage, and delivery systems;

''(B) water supply systems;

''(C) telecommunication networks;

''(D) electrical power delivery systems;

''(E) finance and banking systems;

''(F) emergency services;

''(G) transportation systems and services; and

''(H) government operations that provide essential services to the public.

''(b) OFFENSE.—It shall be unlawful to, during and in relation to a felony violation of section 1030, intentionally cause or attempt to cause damage to a critical infrastructure computer, and such damage results in (or, in the case of an attempt, would, if completed have resulted in) the substantial impairment—

''(1) of the operation of the critical infrastructure computer; or

''(2) of the critical infrastructure associated with the computer.

''(c) PENALTY.—Any person who violates subsection (b) shall be fined under this title, imprisoned for not less than 3 years nor more than 20 years, or both.

''(d) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—

''(1) a court shall not place on probation any person convicted of a violation of this section;

''(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment, including any term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony violation section 1030;

''(3) in determining any term of imprisonment to be imposed for a felony violation of section 1030, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and

''(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and policy statements issued by the United States Sentencing Commission pursuant to section 994 of title 28.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1030 the following:

''Sec. 1030A. Aggravated damage to a critical infrastructure computer.''.

SEC. __08. LIMITATION ON ACTIONS INVOLVING UNAUTHORIZED USE.

Section 1030(e)(6) of title 18, United States Code, is amended by striking ''alter;'' and inserting ''alter, but does not include access in violation of a contractual obligation or agreement, such as an acceptable use policy or terms of service agreement, with an Internet service provider, Internet website, or non-government employer, if such violation constitutes the sole basis for determining that access to a protected computer is unauthorized;''.

SA 2580. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VIII—PRIVACY PROTECTIONS

Subtitle A—Video Privacy Protection

SEC. 821. SHORT TITLE.

This subtitle may be cited as the ''Video Privacy Protection Act Amendments Act of 2012''.

SEC. 822. VIDEO PRIVACY PROTECTION ACT AMENDMENT.

Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

''(B) to any person with the informed, written consent (including through an electronic means using the Internet) of the consumer that—

''(i) is in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer;

''(ii)(I) is given at time the disclosure is sought; or

''(II) is given in advance for a set period of time or until consent is withdrawn by the consumer; and

''(iii) the video tape service provider has provided an opportunity, in a clear and conspicuous manner, for the consumer to withdraw on a case-by-case basis or to withdraw for ongoing disclosures;''.

Subtitle B—Electronic Communications Privacy

SEC. 841. SHORT TITLE.

This subtitle may be cited as the ''Electronic Communications Privacy Act Amendments Act of 2012''.

SEC. 842. CONFIDENTIALITY OF ELECTRONIC COMMUNICATIONS.

Section 2702(a)(3) of title 18, United States Code, is amended to read as follows:

''(3) a provider of electronic communication service, or remote computing service to the public shall not knowingly divulge to any governmental entity the contents of any communication described in section 2703(a), or any record or other information pertaining to a subscriber or customer of such service.''.

SEC. 843. ELIMINATION OF 180-DAY RULE; SEARCH WARRANT REQUIREMENT; REQUIRED DISCLOSURE OF CUSTOMER RECORDS.

(a) IN GENERAL.—Section 2703 of title 18, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following:

''(a) CONTENTS OF WIRE OR ELECTRONIC COMMUNICATIONS.—A governmental entity may require the disclosure by a provider of electronic communication service, or remote computing service of the contents of a wire or electronic communication that is in electronic storage with or otherwise stored, held, or maintained by the provider if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that is issued by a court of competent jurisdiction directing the disclosure.

''(b) NOTICE.—Except as provided in section 2705, not later than 3 days after a governmental entity receives the contents of a wire or electronic communication of a subscriber or customer from a provider of electronic communication service, or remote computing service under subsection (a), the governmental entity shall serve upon, or deliver to by registered or first-class mail, electronic mail, or other means reasonably calculated to be effective, as specified by the court issuing the warrant, the subscriber or customer—

''(1) a copy of the warrant; and

''(2) a notice that includes the information referred to in section 2705(a)(5)(B)(i).

''(c) RECORDS CONCERNING ELECTRONIC COMMUNICATION SERVICE, OR REMOTE COMPUTING SERVICE.—

''(1) IN GENERAL.—Subject to paragraph (2), a governmental entity may require a provider of electronic communication service, or remote computing service to disclose a record or other information pertaining to a subscriber or customer of the provider or service (not including the contents of communications), only if the governmental entity—

''(A) obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure (or, in the case of a State court, issued using State warrant procedures) that is issued by a court of competent jurisdiction directing the disclosure;

''(B) obtains a court order directing the disclosure under subsection (d);

''(C) has the consent of the subscriber or customer to the disclosure; or

''(D) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of the provider or service that is engaged in telemarketing (as defined in section 2325).

''(2) SUBPOENAS.—A provider of electronic communication service, or remote computing service shall, in response to an administrative subpoena authorized by Federal or State statute or a Federal or State grand jury or trial subpoena, disclose to a governmental entity the—

''(A) name;

''(B) address;

''(C) local and long distance telephone connection records, or records of session times and durations;

''(D) length of service (including start date) and types of service used;

''(E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and

''(F) means and source of payment for such service (including any credit card or bank account number), of a subscriber or customer of such service.

''(3) NOTICE NOT REQUIRED.—A governmental entity that receives records or information under this subsection is not required to provide notice to a subscriber or customer.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2703(d) of title 18, United States Code, is amended—

(1) by striking ''A court order for disclosure under subsection (b) or (c)'' and inserting ''A court order for disclosure under subsection (c)''; and

(2) by striking ''the contents of a wire or electronic communication, or''.

SEC. 844. DELAYED NOTICE.

Section 2705 of title 18, United States Code, is amended to read as follows:

''§ 2705. Delayed notice

''(a) DELAY OF NOTIFICATION.—

''(1) IN GENERAL.—A governmental entity that is seeking a warrant under section 2703(a) may include in the application for the warrant a request for an order delaying the notification required under section 2703(a) for a period of not more than 90 days.

''(2) DETERMINATION.—A court shall grant a request for delayed notification made under paragraph (1) if the court determines that there is reason to believe that notification of the existence of the warrant may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses; or

''(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial.

''(3) EXTENSION.—Upon request by a governmental entity, a court may grant 1 or more extensions of the delay of notification granted under paragraph (2) of not more than 90 days.

''(4) EXPIRATION OF THE DELAY OF NOTIFICATION.—Upon expiration of the period of delay of notification under paragraph (2) or (3), the governmental entity shall serve upon, or deliver to by registered or first-class mail, electronic mail or other means reasonably calculated to be effective as specified by the court approving the search warrant, the customer or subscriber—

''(A) a copy of the warrant; and

''(B) notice that informs the customer or subscriber—

''(i) that information maintained for the customer or subscriber by the provider of electronic communication service, or remote computing service named in the process or request was supplied to, or requested by, the governmental entity;

''(ii) of the date on which the warrant was served on the provider and the date on which the information was provided by the provider to the governmental entity;

''(iii) that notification of the customer or subscriber was delayed;

''(iv) the identity of the court authorizing the delay; and

''(v) of the provision of this chapter under which the delay was authorized.

''(b) PRECLUSION OF NOTICE TO SUBJECT OF GOVERNMENTAL ACCESS.—

''(1) IN GENERAL.—A governmental entity that is obtaining the contents of a communication or information or records under section 2703 may apply to a court for an order directing a provider of electronic communication service, or remote computing service to which a warrant, order, subpoena, or other directive under section 2703 is directed not to notify any other person of the existence of the warrant, order, subpoena, or other directive for a period of not more than 90 days.

''(2) DETERMINATION.—A court shall grant a request for an order made under paragraph (1) if the court determines that there is reason to believe that notification of the existence of the warrant, order, subpoena, or other directive may result in—

''(A) endangering the life or physical safety of an individual;

''(B) flight from prosecution;

''(C) destruction of or tampering with evidence;

''(D) intimidation of potential witnesses;

''(E) otherwise seriously jeopardizing an investigation or unduly delaying a trial; or

''(F) endangering national security.

''(3) EXTENSION.—Upon request by a governmental entity, a court may grant 1 or more extensions of an order granted under paragraph (2) of not more than 90 days.''.

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 Thursday, July 26, 2012, at 10 a.m. in room SD–430 in the Dirksen Senate Office Building to conduct a hearing entitled ''CCDBG Reauthorization: Helping to Meet the Child Care Needs of American Families.''

For further information regarding this meeting, please contact Jessica McNiece of the committee staff at (202) 224–9243.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Monday, August 6, 2012, at 2 p.m., in Contois Auditorium in the Burlington City Hall, 149 Church Street, Burlington, VT 05401.

The purpose of the hearing is to examine gasoline price and margin dynamics within the State of Vermont.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by e-mail to Symone_Green@energy.senate.gov.

For further information, please contact Hannah Breul at (202) 224–4756 or Symone Green at (202) 224–1219, or Abigail Campbell at (202) 224–4905.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. 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 July 25, 2012, at 10 a.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''The International Space Station: a Platform for Research, Collaboration, and Discovery.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BEGICH. 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 July 25, 2012, at 2:30 p.m., in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, ''Short-Supply Prescription Drugs: Shining a Light on the Gray Market.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 25, 2012, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 25, 2012, at 10 a.m. in room SD–406 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to

meet during the session of the Senate on July 25, 2012, at 10 a.m. in room SD–215 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Education Tax Incentives and Tax Reform.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 25, 2012, at 3 p.m., to hold a hearing entitled ''Economic Statecraft: Increasing American Jobs Through Greater U.S.-Africa Trade and Investment (S. 2215, The Increasing American Jobs Through Greater Exports to Africa Act of 2012).''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 25, 2012, at 10 a.m., in room SH–216 of the Hart Senate Office Building, to conduct a hearing entitled ''Ensuring Judicial Independence Through Civics Education.''

The PRESIDING OFFICER. Without Objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BEGICH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 25, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled ''Enhancing Women's Retirement Security.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on July 25, 2012, at 2:30 p.m. to conduct a hearing entitled ''Assessing Grants Management Practices at Federal Agencies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. CARDIN. Mr. President, I ask unanimous consent that Elizabeth Eickenberg, from Senator MERKLEY's staff, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOR THE RELIEF OF SOPURUCHI CHUKWUEKE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 464, S. 285.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 285) for the relief of Sopuruchi Chukwueke.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be inserted is shown in italics.)

S. 285

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sopuruchi Chukwueke shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Sopuruchi Chukwueke under section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Sopuruchi Victor Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

Mr. GRASSLEY. Mr. President, I wish to express my support for S. 285, a private relief bill for Soptuuchi ''Victor'' Chukwueke.

Mr. Chukwueke has a compelling story. He has suffered a serious medical condition, was abandoned by his parents, and was brought to the U.S. at a young age. He has endured several surgeries as a result of his serious medical condition, and has overcome many barriers to get where he is today.

Despite his personal story and achievements, members of the Judiciary Committee were informed by Immigration and Customs Enforcement that he was an orphan and had no family in the U.S. or in Nigeria, his home country. We were led to believe that he had no family because that is how he represented himself during interviews with Federal agents. We found out later, however, that he still had a mother and father, and six siblings in Nigeria. Upon learning of this discrepancy, I immediately asked Immigration and Customs Enforcement to clear up these conflicting statements, and to provide any other background information or paper in his files, including interview notes to understand the line of questioning that took place between ICE and Mr. Chukwueke. ICE rejected sharing the file with members of the Judiciary Committee. After weeks of a standstill, ICE agreed to show committee staff what was in his alien file. The file was helpful because we could review interview notes, visa applications, pictures, and other notes on Mr. Chukwueke.

Upon completing the review of the file, committee staff held a conference call with Mr. Chukwueke. During that interview, Mr. Chukwueke stated that he told investigators that he believed he was an orphan and that he had no intention of lying. For the record, I ask unanimous consent to have printed in the RECORD a copy of the sworn affidavit that was provided by Mr. Chukwueke to ICE and to members of the Judiciary committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRASSLEY. The committee reported S. 285 out of committee on July 19. The committee-reported bill includes a provision that prohibits Mr. Chukwueke from using his status to sponsor immediate family for benefits under the Immigration and Nationality Act. The language in my amendment is identical to language used in other private relief bills. Similar language was included in bills in 1999 and 2000. Senator Levin, the sponsor of this private relief bill, supported the amendment.

We always consider private relief bills on a case-by-case basis. In the case of Mr. Chukwueke, we were told that he did not have parents or family in the U.S. or in Nigeria. It turned out that was not the case. Those statements were inaccurate. He says he did not mean to mislead ICE agents about his family, but the fact is that he did. He did not tell the whole truth.

As I said, in previous private relief bills, we have excluded private bill recipients from sponsoring immediate family members. That is not to say that the family members are barred from ever entering the country. It simply means they cannot use the private bill recipient's special status to provide them a benefit or to gain derivative status.

There are many worthwhile people who want to come or remain in the United States. However, there are bad actors and people who will perpetuate fraud in order to do so. People will go to great lengths to come to the United States. We need to be worried about individuals who will take advantage of our open door policies and manipulate the system to get a benefit. We need to be watchful for potential fraud and abuse of the system.

If S. 285 passes the House and is sent to the President, Mr. Chukwueke may be able to attend medical school in the fall. He has the support of many upstanding individuals, including Senator

LEVIN. Mr. chukwueke is also supported by a number of people in his community. We received letters of recommendation from Wayne State University and the Daughters of Mary Mother of Mercy.

I wish Mr. Chukwueke the best of luck in his future endeavors.

EXHIBIT #1

AFFIDAVIT OF SOPURUCHI VICTOR CHUKWUEKE

I, Sopuruchi Victor Chukwueke, swear under penalty of perjury that the following is true and accurate to the best of my knowledge and belief:

1. My name is Sopuruchi Victor Chukwueke. I write this statement in support of S.B. 285, a private bill introduced on my behalf by U.S. Senator Carl Levin.

2. I was born in Nigeria on February 10, 1986. During my early childhood, I developed a benign tumor caused by Neurofibromatosis, which grew on my frontal and right facial area, subsequently resulting in a very significant facial deformity.

3. My mother took me to different hospitals for treatment but we were unable to find a facility or surgeon to treat my condition. At some point, she heard of a Catholic nun called Rev. Mother Paul Offiah who ran a handicap (orphanage) center for orphans, abandoned and neglected disabled children. The name of the center is called St. Vincent de Paul Handicap Center located in Umuahia, Abia, Nigeria. My mother took me there, explained the situation to Mother Offiah, and left me. I do not remember how old I was at that point, but I felt abandoned.

4. Rev. Mother Paul Offiah took me in, fed and clothed me and became my sole parental figure, offering both emotional and financial support. My mother kept in contact with Mother Paul Offiah and came a few times to visit me at the center. I spent all my time there and Mother Paul Offiah started making arrangements for me to come to United States for life-saving treatment.

5. Dr. Ian Jackson at Providence Hospital in Michigan agreed to perform the surgery free of charge. Several generous Nigerians assisted with the effort to raise funds to that I could travel to the U.S. for treatment.

6. On August 21, 2001, when I was 15, Mother Offiah brought me to the United States on a B–2 visa and left me in the care of Sister Immaculata Osueke and other nuns in Lansing, Michigan. She then went back to Nigeria. I was authorized to stay in the U.S. until August 29, 2002.

7. My application to Extend/Change Nonimmigrant Status was rejected twice, because I could not afford the visa fee at the time. Also, the evidence submitted was signed by a clinical social worker instead of a licensed physician. The delay in filing for the third time was in part because I was having surgery during that time. I had my second major surgery on January 14, 2003. That period was a very difficult and stressful time in my life, because I had to prepare for surgery, undergo the painful surgery and postoperative recovery, and at the same time worry about my visa status. I was just 16 years old at the time.

8. In February 2003, my mother and father signed sworn affidavits to give up their parental rights, so I could be adopted here in the United States.

9. In November 2003, I began to study for the GED at home while receiving treatment for Neurofibromatosis. In January 2004, I took the GED and passed it.

10. A few years later, in 2006, Mother Offiah died of a brain tumor, leaving me with no parental figure in Nigeria who could provide for and support me with my medical condition.

11. In May 2006, I enrolled at the Oakland Community College in Southfield, Michigan. My education was paid for by a Catholic benefactor, Mr. Jerry Burns.

12. In August 2008, I graduated from Oakland Community College with an AA in Science and in September 2008, I transferred to Wayne State University in Detroit, Michigan to pursue a Bachelor's Degree.

13. I had been abandoned by my family in an orphanage in Nigeria, and I felt I have no one to care for me there, especially after Mother Paul Offiah passed away. As I grew up in the United States and received medical treatment for my condition, I realized that my mother knew she could not provide for me and so she had entrusted me to the people who could take care of me. I realized that she had done the right thing at the time, given the circumstances. So I decided to reach out to my family again, especially my mother.

14. Sister Immaculata Osueke reached out to other nuns at the orphanage in Nigeria to get my mother's telephone number, so that I could try to reconnect with my family.

15. I was chosen to give the commencement speech at the Wayne State University graduation in 2011. Dr. Kenneth Honn, my research professor, said that he want to bring my mother to witness ''her son's graduation.'' He wrote an invitation letter for my mother to come visit me, but all of the travel arrangements were done by a Wayne State administrator, Mr. Christopher Harris. With the help of Dr. Honn, Mr. Harris, and Senator Levin's letter to the U.S. Consulate in Nigeria, my mother came to visit me at my graduation from Wayne State last year. It was the first time I had seen her in more than ten years. She arrived a few hours before my graduation and returned to Nigeria on May 16, 2011.

16. Since my arrival in Michigan in 2001, 1 have been in and out of the hospital, and ahve had seven major surgeries between 2002 and 2011 to remove the Neurofibromatosis and reconstruct my face.

17. In November 2011, I applied and was accepted by the University of Toledo, College of Medicine, conditioned on receiving lawful permanent residence in the United States on or before August 1, 2012.

Respectfully submitted,

Sopurucki Victor Chukwueke.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment was agreed to.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 285), as amended, was passed.

(The bill will be printed in a future edition of the RECORD.)

SEQUESTRATION TRANSPARENCY ACT OF 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of Calendar No. 471, H.R. 5872.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013.

There being no objection, the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5872) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 26, 2012

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 26; 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 the majority leader be recognized, and that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, today the majority leader filed cloture on the motion to proceed to S. 3414, the Cybersecurity Act of 2012. If no agreement otherwise is reached, that vote would be on Friday. However, we hope to reach an agreement to hold that vote tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WHITEHOUSE. 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 7:07 p.m., adjourned until Thursday, July 26, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

RANEE RAMASWAMY, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018, VICE MIGUEL CAMPANERIA, TERM EXPIRING.

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE COMMISSIONED

CORPS OF THE U.S. PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be director grade

DONALD S. AHRENS
JAMES P. ALEXANDER, JR.
LAILA H. ALI
LISA H. ALLEE
MICHAEL R. ALLEN
TIMOTHY L. AMBROSE
JILL D. ANDERSON
MARK A. ANDERSON
ROBERT A. ANDERSON
ARLAN K. ANDREWS
DONALD C. ANTROBUS
DOLORES J. ATKINSON
STEVEN B. AUERBACH
NANCY J. BALASH
TECORA D. BALLOM
DRUE H. BARRETT
PEGGY A. BARROW
EDWARD D. BASHAW
CAROL A. BAXER
LINDA S. BEDKER
SILVIA BENINCASO
REGINA M. BENNETT
KATHERINE M. BERKHOUSEN
CARYN L. BERN
DAVID G. BEVERIDGE
JEFFREY T. BINGHAM
GEORGE G. BIRD
KRISTINE M. BISGARD
AMY S. BLOOM
ALICE Y. BOUDREAU
J R. BOWMAN
THOMAS I. BOWMAN
THOMAS B. BREWER
ANITA L. BRIGHT
DANIEL W. BROCKMEIER
GRACIE L. BUMPASS
WILLIAM BURKHARDT III
SPENCER D. BURNETT
MARK E. BURROUGHS
MARIA T. BURT
SUSAN E. BURT
KELLY L. BUTTRICK
QUIRICO C. CABREDO
VICTOR M. CACERES
BRIAN E. CAGLE
LISA W. CAYOUS
CHRISTINE E. CHAMBERLAIN
CLINT R. CHAMBERLIN
D. W. CHEN
GAIL J. CHERRY-PEPPERS
GINA E. COLE
ROSA I. COLON
TERRI L. CORNELISON
INGER K. DAMON
JON R. DAUGHERTY
RICKIE R. DAVIS
JOSEPH L. DESPINS
DANIELLE DEVONEY
JAMES E. DICKERT
MATTHEW N. DIXON
CIELO C. DOHERTY
KENNETH L. DOMINGUEZ
STEPHANIE DONAHOE
SCOTT F. DOWELL
PEARL J. DRY
CLARE A. DYKEWICZ
LORI A. ENEVER
MARY C. EWING
ANTHONY E. FIORE
MARC A. FISCHER
KENNETH J. FISHER
EARL S. FORD
MICHAEL S. FORMAN
STEPHEN E. FORMANSKI
KIMBERLEY K. FOX
MARK R. FREESE
JEFFREY R. FRITSCH
TRACI L. GALINSKY
GLENDA G. GALLAND
THOMAS P. GAMMARANO
RANDALL J. GARDNER
JACINTO J. GARRIDO
ALEX GARZA
LAWRENCE J. GASKIN
JEAN A. GAUNCE
VERONICA D. GAVIN
DAVID T. GEORGE
DAVID W. GEORGE
MARK D. GERSHMAN
MARY H.G. GESSAY
JACQUELINE J. GINDLER
GARY M. GIVENS
LOUIS J. GLASS
ROBERT G. GOOD
ALYSSE M. GORDON
HARVEY A. GREENBERG
MARTA A. GUERRA
MATTHEW D. HALL
GAIL A. HAMILTON
SCOTT A. HAMSTRA
MARY E. HARDING
RAFAEL HARPAZ
BRADLEY K. HARRIS
GEORGE W. HARTLEY
JOHN M. HAYES
BROCKTON J. HEFFLIN
THOMAS J. HEINTZMAN
STACEY A. HENNING
THOMAS A. HILL
KAREN G. HIRSHFIELD
TIMOTHY H. HOLTZ
S. M. HOOPER
KIMBERLAE A. HOUK
BRIAN T. HUDSON
DEBRA A. HURLBURT
BRADLEY J. HUSBERG
JAMES H. HYLAND
MICHAEL F. IADEMARCO
DELOIS M. JACKSON
ROBERTA M. JACOBSON
LAWRENCE H. JACOBY
PHILIP JARRES
CHARLES N. JAWORSKI
MICHAEL S. JENSEN
DANIEL B. JERNIGAN
RUTH B. JILES
MALCOLM B. JOHNS
JOSEPH L. JOHNSON
MICHAEL W. JOHNSON
PAUL H. JOHNSON
RONALD W. JOHNSON
MICHAEL D. JONES
PAUL A. JONES
RENEE JOSKOW
GARY C. KEEL
DAVID S. KESSLER
HAROLD E. KESSLER
PETER H. KILMARX
CHARLES D. KIMSEY, JR
ELLEN J. KING
ALICE D. KNOBEN
EMILIA H. KOUMANS
CYNTHIA C. KUNKEL
MICHAEL R. KWASINSKI
MARY T. LAWRENCE
CHARLES W. LEBARON
JOHN P. LEFFEL
TANYA J. LEHKY
ARYEH L. LEVENSON
LOUIS A. LIGHTNER, JR
HENRY LOPEZ, JR
VICKIE S. LOVE
SHARON L. LUDWIG
SUSAN L. LUKACS
JIMMY P. MAGNUSON
GELYNN L. MAJURE
JEAN R. MAKIE
CLARITSA MALAVE
IVY L. MANNING
KATHLEEN MANYGOATS
IRENE MARIETTA
KIPPY G. MARTIN
MICHAEL T. MARTIN
ANN M. MCCARTHY
PATRICK J. MCNEILLY
PAUL S. MEAD
KEVIN D. MEEKS
DEBORAH P. MERKE
JOANN M. MICAN
STEPHANIE V. MIDDLETON-WILLIAMS
FREDERICK W. MILLER
JEFFERY L. MILLER
MARK A. MILLER
ABRAHAM G. MIRANDA
ABELARDO MONTALVO
JULIETTE MORGAN
WILLIAM G. MORNINGSTAR
M. P. MURPHY
SUZAN H. MURPHY
BRENDA J. MURRAY
BARBARA B. NAKAI
MARY P. NAUGHTON
PEDRO O. NAZARIO
LAWRENCE M. NELSON
SUSAN K. NEURATH
DAVID NG
NANCY A. NICHOLS
GAY E. NORD
MICHAEL A. NOSKA
REBECCA K. OLIN
MARTHA T. OLONE
JEANNINE C. OMALLEY
ANA M. OSORIO
CARMENCITA T. PALMA
COLEMAN O. PALMERTREE, JR
MARK J. PAPANIA
MICHAEL J. PAPANIA
BERNARD W. PARKER
KAREN L. PARKO
SANDRA D. PATTEA
KENNETH T. PATTERSON
MICHELE L. PEARSON
HSIAO P. PENG
KATHY A. PERDUE-GREENFIELD
PEDRO PEREZ, JR
STEPHEN P. PICKARD
LYNNE E. PINKERTON
CARLOS M. PLASENCIA
KATHY M. PONELEIT
CINDA L. PORTER
MATTHEW J. POWERS
PETER M. PRESTON
DIANE M. PRINCE
JOYCE A. PRINCE
KEVIN A. PROHASKA
CARLTON T. PYANT
CATHY E. QUINTYNE
TIMOTHY M. RADTKE
MELISSA V. RAEL
DORIS RAVENELL-BROWN
JOHN T. REDD
SUSAN E. REEF
LAURIE C. REID
DANIEL REYNA
LARRY E. RICHARDSON
MARIA C. RIOS
DAVID E. ROBBINS
MICHAEL L. ROBINSON
PAUL G. ROBINSON
PATRICIA F. RODGERS
DONALD L. ROSS
JAMES F. SABATINOS
MARC A. SAFRAN
RAFAEL A. SALAS
ROSE SALTCLAH
JOSEPH L. SALYER
JOSE A. SANCHEZ
BEVERLY J. SANDERS
JAMES M. SCHAEFFER
JOSEPH M. SCHECH
TERRY J. SCHLEISMAN
EILEEN E. SCHNEIDER
PAMELA M. SCHWEITZER
ADAM T. SCULLY
SARATH B. SENEVIRATNE
SHARON L. SHANE
REBECCA L. SHEETS
JOANNIE C. SHEN
DAVID P. SHOULTZ
PAUL D. SIEGEL
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AUBREY C. SMELLEY, JR
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THERESA L. SMITH
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CHRIS A. VANBENEDEN
HENRY J. VANDYK
RONALD C. VARSACI
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EARL D. WARD, JR
BONNIE K. WARNER
TODD A. WARREN
STEPHEN H. WATERMAN
FRANK WEAVER III
KONSTANTINE K. WELD
CLEMENT J. WELSH
ELIZABETH A. WHELAN
KELVIN N. WHITEHEAD
CYNTHIA G. WHITNEY
KIM M. WILLARD-JELKS
STEVEN J. WILLIAMS
MICHAEL P. WINKLER
STEVEN S. WOLF
DEBORAH F. YAPLEE
ELISE S. YOUNG
RONALD D. ZABROCKI
ANDREW J. ZAJAC
STEPHANIE ZAZA
SHIRLEY A. ZEIGLER
KIMBERLY A. ZIETLOW
ANTHONY T. ZIMMER
ADOLFO ZORRILLA

To be senior grade

KARL D. AAGENES
MARTA-LOUISE ACKERS
RUBEN S. ACUNA
CHRISTOPHER M. AGUILAR
DARYL L. ALLIS
LORRAINE M. ALMO
SCOTT M. ANDERSON
GLORIA H. ANGELO
WENDY S. ANTONOWSKY
BORIS R. APONTE
PAUL M. ARGUIN
DANIEL J. ARONSON
JANICE ASHBY
KATHLEEN M. ATENCIO
LORI J. AUSTIN-HANSBERRY
KATHY L. BALASKO
CLAIRE L. BANKS
MARINNA BANKS-SHIELDS
NANCY F. BARTOLINI
ROBIN A. BASSETT
DALE M. BATES
DAHNA L. BATTS
DANIEL S. BECK
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VIRGILIO A. BELTRAN
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DAVID B. CALLAHAN
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PATRICK W. CRANEY
ALEXANDER E. CROSBY
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DANA C. CRUZ
LARRY F. CSEH
RODNEY W. CUNY
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BRYAN S. DAWSON
RICHARD L. DECKER
RONALD L. DEFRANCE
CATHERINE M. DENTINGER
LISA A. DENZER
MARILYN L. DEYKES
ALISON R. DION
LISA S. DOLAN-BRANTON
EDWARD C. DOO
THOMAS L. DOSS
CINDY P. DOUGHERTY
SHERI L. DOWNING-FUTRELL
DEBORAH DOZIER-HALL
LYNN M. DUNSON
ROBERT T. DVORAK
KRISTAL E. DYE
CALVIN W. EDWARDS
LINDA L. ELLISON-DEJEWSKI
DAVID A. ENGELSTAD
SUSAN E. ERWIN
MARK A. FELTNER
DAN FLETCHER III
CHERYL A. FORD
SAMUEL L. FOSTER
BETH F. FRITSCH
JANELLE M. FROELICH
DAVID M. FRUCHT
JEFFREY C. FULTZ
BRUCE W. FURNESS
TRACI C. GALE
SCOTT P. GAUSTAD
CHANDAK GHOSH
JULIE GILCHRIST
VIRGINIA A. GIROUX
WILLIAM T. GOING III
HUGO GONZALEZ
BRANT B. GOODE
MICHAEL J. GOODIN
SAMI L. GOTTLIEB
REUBEN GRANICH
DOROTHY R. GRIFFITH
WILLIAM R. GRIFFITH
MARGARET K. GRISMER
REBECCA J. GRIZZLE
LISA A. GROHSKOPF
EARLENE S. GROSECLOSE
ROBERT W. GRUHOT
KARLA J. HACKETT
RANDALL J. HAIGH
DANA L. HALL
ELVIRA L. HALL-ROBINSON
PAUL W. HAMRA
LORI B. HANTON
KENNETH R. HARMAN, JR
JANETTE L. HARRELL
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DANIEL L. HASENFANG
JEFFREY E. HAUG
CHARLES S. HAYDEN II
SHARYN M. HEALY
JAMES D. HEFFELFINGER
SCOTT M. HELGESON
JAMES P. HENDRICKS
KAREN A. HENNESSEY
DANIEL J. HEWETT
KENNY R. HICKS
STEVEN P. HIGGINS
KERRY A. HILE
LISA M. HOGAN
MARY C. HOLLISTER
DE A. HONAHNIE
RICHARD N. HUDON
WILLADINE M. HUGHES
ROBIN N. HUNTER-BUSKEY
THOMAS W. HURST
LEONARD HYMAN
KYONG M. HYON
JOSELITO S. IGNACIO
LEE C. JACKSON
SHERLENE B. JACQUES
SHARON R. JAMES-SCHMIDT
DENISE J. JAMIESON
EDMUND JEDRY
KARYL L. JENNINGS
CHARLENE F. JOHNSON
ANTOINETTE L. JONES
MICHELLE Y. JORDAN-GARNER
BECKY L. KAIME
LAURIE A. KAMIMOTO
ANTHONY G. KATHOL
DANIEL M. KAVANAUGH
DAWN A. KELLY
BETH R. KERNS
DUANE M. KILGUS
DAVID K. KIM
HYE-JOO KIM
DEBRA H. KING
JANIE M. KIRVIN
ROBERT B. KNOWLES
KEVIN J. KOLENDA
DAVID A. KONIGSTEIN
JANE M. KREIS
MATTHEW J. KUEHNERT
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DIANA M. KUKLINSKI
STEVEN A. LABROZZI
SANDRA M. LAHI
WANDA F. LAMBERT
JAMES F. LANDO
NANCY E. LAWRENCE
MICHELLE K. LEFF
RICHARD N. LELAND
KELLY B. LESEMAN
BRIAN L. LEWELLING
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LAUREN S. LEWIS
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JENNIFER M. LINCOLN
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LAURA J. LUND
ROBIN L. LYERLA
MICHAEL F. LYNCH
ROBIN J. MACGOWAN
HOUDA MAHAYNI
GUY J. MAHONEY
GEORGE J. MAJUS
STEPHANIE C. MANGIGIAN
MICHELLE L. MARKLEY
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PATRICK M. MARSHALL, JR.
MEHRAN S. MASSOUDI
SUSAN Z. MATHEW
LISA L. MATHIS
MITCHELL V. MATHIS, JR
ERIC L. MATSON
TRACY L. MATTHEWS
STEVEN D. MAZZELLA
WADE B. MCCONNELL
SHARON J. MCCOY
CAROL L. MCDANIEL
KATHLEEN Y. MCDUFFIE
JEFFREY W. MCFARLAND
JOHN G. MCGILVRAY
DAVID J. MCINTYRE
JUANITA MENDOZA
KATHLEEN J. MERCURE
JONATHAN H. MERMIN
ANNA L. MILLER
YOLANDA D. MITCHELL-LEE
KRISTEN L. MOE
SUSAN P. MONTGOMERY
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ELVIRA D. MOSELY
JOSHUA A. MOTT
KELLY K. MURPHY
SUSAN L. MUZA
PETER T. NACHOD
NARAYAN NAIR
CHERYL A. NAMTVEDT
MARK A. NASI
MICHELE E. NEHREBECKY
LUCIENNE D. NELSON
BRUCE R. NEWTON
TAN T. NGUYEN
DEBORAH B. NIXON
REBECCA S. NOE
SHEILA K. NORRIS
KENT W. OFFICER
CHIDEHA M. OHUOHA
KELTON H. OLIVER
DENMAN K. ONDELACY
KATHLEEN M. ONEILL
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SUSAN M. ORSEGA
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JOUHAYNA S. SALIBA
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DORNETTE D. SPELL-LESANE
CAROLYN R. STACY
TODD M. STANKEWICZ
WILLIAM Z. STANLEY
MICHAEL M. STEELE
EDWARD J. STEIN
PAMELA STEWART-KUHN
PATRICIA A. STONEROAD
MICHAEL A. STOVER
WANDA I. SUAREZ
ERNEST E. SULLIVENT III
MADELINE Y. SUTTON
MICHAEL W. SWANN
ASTRID L. SZETO
JESSILYNN B. TAYLOR
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BETSY L. THOMPSON
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LAURA A. TILLMAN
DARRALL F. TILLOCK
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CINDY L. ADAMS
HELLEN H. ADCOCK
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ADAM T. ARCHULETA
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REGINALD A. BALLARD
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PETER CHEN
JAMES CHENG
WANDA D. CHESTNUT
IVANNE L. CHIOVOLONI
PHILIP M. CHOROSEVIC
CATHERINE C. CHOW
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CORNELIUS DIAL
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WAYNE K. GRANT
ROSS P. GREEN
RENMEET GREWAL
WEI GUO
JOHN M. GUSTO
CEDRIC B. GUYTON
ANA I. GUZMAN
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ROSEMARY A. JOHNSON
TROY L. JOHNSON
JACQUIN L. JONES
STEVEN C. JONES
SUSAN R. JONES
DELIA S. JONES-MCHORGH
HUIJEONG A. JUNG
IBRAHIM KAMARA
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MICHAEL J. LACKEY
YVETTE M. LACOUR-DAVIS
CHRISTOPHER S. LAFFERTY
BERNETTA L. LANE
DEMITRIUS H. LATOCHA
DAVID K. LAU
JOY E. LEE
ROBIN R. LEE
ADAM LEEDS-PERALTA
SHANI N. LEWINS
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JASON G. LOVETT
KELLY D. LUCAS
SHERRY L. LULF
SCARLETT A. LUSK
DAVID M. MAGNOTTA
JENNIFER A. MALIA
JEFFREY J. MALLETTE
JOHN T. MALLOS
SAMANTHA A. MALONEY
ANDREW D. MARGOLIS
LINDA B. MARKLE
ROGER MARTINEZ
DINO A. MATTORANO
JOHN D. MAYNARD
MELANIE M. MAYOR
JOHN D. MAZORRA
REBECCA A. MCCAIN-SINGLETON
DESIREE MCCARTHY-KEITH
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LAURALYNN T. MCKERNAN
SEAN M. MCMAHAN
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ALINE M. MOUKHTARA
DOUGLAS E. MOWELL
LORRIE L. MURDOCH
TIMOTHY D. NELLE
MATTHEW J. NEWLAND
DIEM-KIEU H. NGO
BINH T. NGUYEN
DANIEL K. NGUYEN
RYAN T. NGUYEN
KEVIN J. NOLAN
JAMES A. NOLTE
RYAN T. NOVAK
EUN J. OH
MATTHEW J. OLNES
BESSIE L. PADILLA
ELIEZER R. PANGAN
JAMES D. PAPPAS
DIANNE C. PARAOAN
WILLIAM B. PARRISH
NEEL I. PATEL
PARAS M. PATEL
PRITI R. PATEL
TRACIE L. PATTEN
DEAN B. PEDERSEN
JACKIE M. PETERMAN
HUNG P. PHAN
CHANTAL N. PHILLIPS
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MICHAEL B. REA
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JEFFREY D. RICHARDSON
MADIA RICKS
PAUL J. RITZ
MELISSA A. ROBB
DONNA A. ROBERTS
PATRICK L. ROMERO
JACQUIE K. ROTH
RAUL E. RUBIO
TIARA R. RUFF
MARTIN RUIZ-BELTRAN
SOPHIA L. RUSSELL
PARMJEET S. SAINI
CLAUDINE M. SAMANIC
SHERBET L. SAMUELS
NANCY L. SANDMANN
KENNETH R. SAY
SHARON H. SAYDAH
GREGORY A. SCHERLE
RYAN R. SCHUPBACH
TANIA E. SCHUPPIUS
ANN T. SCHWARTZ
ERICA G. SCHWARTZ
MICHAEL D. SCHWARTZ
CAMERON C. SCOTT
BRIDGETTE A. SEAGO
SHERRY L. SECRIST
JAMES J. SEJVAR
JAMIE R. SELIGMAN
HYOSIM SEON-SPADA
SARAH H. SEUNG
RANDY L. SEYS
STANLEY M. SHEPPERSON
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MICHAEL J. SHIBER
TOM T. SHIMABUKURO
DAVID E. SHOFFNER
DESTRY M. SILLIVAN
CAROL I. SIMMONS
DORLYNN L. SIMMONS
KELLEY M. SIMMS
JULIE R. SINCLAIR
DAN M. SMITH
SPENCER T. SMITH
JANUETT P. SMITH-GEORGE
JOANETTE A. SORKIN
ALICIA R. SOUVIGNIER
STEPHEN S. SPAULDING
JACQUELINE C. SRAM
ADRIANA C. STEGMAN
MICHAEL J. STROHECKER
DONNA K. STRONG
ADAMU A. TAHIRU
JOAN A. TAPPER
JEFFREY M. TARRANT
SHERRY L. TAYLOR
CHRISTINA L. THOMPSON
DAVID A. THOMPSON
JUDITH B. THOMPSON
SUSAN E. THOMPSON
VENETTA J. THOMPSON
VENITA B. THORNTON
JILL J. TILLMAN
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CECILE M. TOWN
JENNIFER L. TREDWAY
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SARAH E. UNTHANK
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LEIRA A. VARGAS-DEL-TORO
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WILLIAM R. WALDRON II
EMIL P. WANG
SUSANNAH S. WARGO
AMY B. WEBB
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SHARI L. WINDT
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KATHLEEN A. WOOTEN
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JAMES C. YEE
SHERRI A. YODER
STEVEN S. YOON
YON C. YU
ELIZABETH F. YUAN
LEO B. ZADECKY
ARDIS R. ZAH
LAUREN B. ZAPATA
MONICA I. ZEBALLOS
YI ZHANG
MARYJO ZUNIC

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DOLORES G. ADDISON
ALI S. ALI
LATASHA A. ALLEN
QUENTIN B. ALLEN
LISA L. AMAYA
DESTINY D. ANDERSON
HEATHER R. ANDERSON
KIMBERLY N. ANDREWS
NISHA O. ANTOINE
PAULA M. ARANGO
RICHARD L. ARCHULETA
JOAN M. ATTRIDGE
SARA AZIMIBOLOURIAN
DANIEL A. BAILEY
TACHEKA M. BAILEY
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DOUGLAS W. BARBER
ROD-JIMIL BARRAIS
SHEILA BARTHELEMY
STEPHEN C. BARTLETT
RICHARD J. BASHAY III
STEPHANIE L. BEGANSKY
JUSTIN H. BELK
ISAAC M. BELL
CHRISTOPHER J. BENGSON
FRANCIS P. BERTULFO
KENDRA N. BISHOP
SHANI L. BJERKE
LACEY K. BLANKENSHIP
WENDY N. BLAZON
CHRISTY L. BLISSETT
KIMBERLEY A. BLOOD
ALICIA M. BOATRIGHT
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JESSICA M. BOWERMASTER
TRAVIS R. BOWSER
LORI K. BRAATEN
CASSIDY L. BROWN
IRMA L. BROWN
LEONARD C. BROWN
LESLIE M. BROWN
NAKISHA L. BROWN
FLEURETTE P. BROWN-EDISON
TYLER G. CAMPBELL
LINDA G. CAPEWELL
TERRY J. CARNES
BETH M. CARR
JAMES P. CARTER
ROSALIA CASARES
DAMON A. CATES
BENJAMIN R. CHADWICK
DONNA K. CHANEY
SHIN-YE CHANG
STEPHEN H. CHANG
KATIE L. CHAPMAN
SHAUN T. CHAPMAN
KAREN CHARLES
JENNIFER W. CHENG
HRISTU B. CHEPA
CHRISTOPHER J. CHEVALIER
TARA A. CIMAROSSA
RYAN A. CLAPP
JULIE M. CLEMENT
ANGELA S. CLEMONS
DAVID A. CLOPTON
LESLIN M. COACHMAN
TRACEY COLEMAN-RAWLINSON
JOHN T. COLLINS
HECTOR J. COLON-TORRES
DANIEL W. CONANT
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NICOLE J. CONKLIN
JEFFREY T. CONNER
LEAH H. CRISAFI
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SOLVEIG F. JOHNSON
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LATORIE S. JONES
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BIC NGUYEN
CECILIA P. NGUYEN
QUYNHNHU T. NGUYEN
ERICA M. NIIHA
TANESHA C. NOBLES-MCCULLEY
ANDREW N. NYABWARI
ERIC K. ODURO
CHARLES R. OGDEN
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JAI M. PATEL
MONA G. PATEL
DEANNA T. PEPPER
ABBY J. PETERSON
REGINA Y. PETERSON
MATTHEW W. PETTIT
ADARIS PICKETT
KRISTA K. PIHLAJA
KARI A. PINSONNEAULT
ANDREA N. POLSON
NIKKIA L. POWELL
JOHNNIE D. PURIFY, JR.
STEPHEN M. RABE
THOMAS S. RAISOR
JENEEN N. RATLIFF
TODD M. RAZIANO
SANDRA J. REDSTEER
MARTIN L. REED
MAKEVA M. RHODEN
ARTURO RIOS
TARA J. RITTER
FRENITA M. ROBERSON
LASHONDA J. ROBERSON
STEVEN A. RODGERS
KATIE N. ROLLINS
BELINDA L. ROONEY
ALISTER A. RUBENSTEIN
MELINDA RUIZ
AVENA D. RUSSELL
MICHELLE SANDOVAL
GREGORY M. SARCHET
COREY J. SAWATZKY
JESSICA L. SCHWARZ
HOLLY L. SEBASTIAN
VANESSA B. SEGAY
DAVID L. SETWYN
JOANN SHEN
JAMES G. SIMS
REBECCA R. SINGLETON
MARK A. SMALL
DENA K. SMITH
KRISTINA F. SMITH
SARAH-JEAN T. SNYDER
SUNEE R. SNYDER
ANN J. SOHN
DIANA A. SOLANA-SODEINDE
NARCISSO SOLIZ, JR.
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NICHOLAS D. SPARROW
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THERESA D. STENMARK
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RACQUEL Y. STEPHENSON
ALAN M. STEVENS
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TIFFANY M. TALIAFERRO
JUDY S. TANUVASA
JAMIE L. TAPP
MARTIN D. TAXERA
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ELIZABETH G. THOMPSON
SARAH K. TRINIDAD
LINHUA TZENG
CHINYELUM A. UMEJEI
IHSAN F. UMRANI
EDUARDO R. VALDESPINO
DENISE L. VANMETER
REBEKAH A. VAN-RAAPHORST
DIANA VARGAS
EVANGELINA VASQUEZ-LUEVANO
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DANIEL L. WAGONER
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OLDEN WALKER III
LEAH R. WALKING-BEAR
PATRICK S. WALLACE
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MATTHEW T. WASHBURN
LYNETTE W. WASSON
KARI R. WATO
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ELIJAH M. WEISBERG
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HAROLD I. WHITE
JONATHAN L. WHITEHART
SCOTT L. WIEGAND, JR
KELLI L. WILKINSON
SCOTT B. WILLIAMS
LYDIA P. WINTERS
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MARTA A. WOJAS
ZACHARY C. WOODWARD
SARA D. WOODY
TATYANA A. WORTHY
ANDREW YANG
ELLEN E. YARD
TIMOTHY A. YETT
LINDA S. ZASKE
HELEN L. ZHOU

To be assistant grade

BERNADYNE A. AGAN
GARRY E. ALLEN
JACOBO I. ALMANZA
JAIME ALTMAN
OMOBOGIE AMADASU
ADREE N. ANDERSON
KENNETH L. ANDERSON
JESSICA L. ANDRADE
DAWN M. ARLOTTA
MEGAN M. ARNDT
NAOMI ASPAAS
ANNETTE C. ATOIGUE
ALINA C. AVILA
DAVETA L. BAILEY
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KYLE J. BARRACKMAN
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KATHLEEN V. FERGUSON
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ROCHELLE L. FORD
LA'TRICE N. FOWLER
MELINDA R. FRANK
ANNEMARIE GALIE
STEVEN M. GALVEZ
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SHAWN B. GANT
KIMBERLY N. GARNER
ADAM W. GOLDSTON-RUMPKE
TAMEKA C. GOODING
DONALD R. GRAHAM
ZACHARY D. GRINNELL
CRAIG A. GRUNENFELDER
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MARY-KATHERINE A. HAGER
REBECCA L. HAMPTON
JOHN C. HANSEN
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KATHY B. HOLIDAY
JESSICA L. HORRAS
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CANDIS M. HUNTER
TIFFANY M. HUSTON
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EMMANUEL N. NDENGA
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MARLENE A. NICHOLSON
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ANDREW E. OKOLO
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CRISTINA E. ORTEGA
BETH A. OSTERINK
LEVON M. OVERTON
SONIA L. PAK
MATTHEW R. PALO
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SANDRA J. PELTO
DANIEL L. PLAISTED
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ANDREW B. RATLIFF
DANIEL J. RECTOR
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CARI L. RITTER
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DARIELIS R. WILLIAMS
FRANCES A. WILLIAMS
GARMAN WILLIAMS, JR.
MICHELLE R. WILLIAMS
DORETHA M. WILSON
CODY D. WOLFF
MARCUS F. YAMBOT
DAVID A. YOUNG
DIAMOND E. ZUCHLINSKI

EXTENSIONS OF REMARKS

REMEMBERING ARMY NATIONAL GUARD SPECIALIST SERGIO EDUARDO PEREZ

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with immense sadness and great respect that I rise to remember Army National Guard Specialist Sergio Eduardo Perez for his bravery and willingness to fight for his country. Specialist Perez was a member of the Indiana National Guard 713th Engineer Company, headquartered in Valparaiso, Indiana. While Specialist Perez was on a route clearance patrol in Kandahar Province, Afghanistan, he was killed in an attack that involved rocket-propelled grenade fire and small arms fire. His sacrifice will forever be remembered by those he fought to protect.

A native of East Chicago, Indiana, Sergio graduated from Lake Central High School in 2010. Sergio's high school principal recalls that Sergio was a quiet, reserved young man and a hard worker. His classmates speak of his kindness, respect, and willingness to help others. Shortly after graduating, Specialist Perez joined the National Guard, and his company mobilized at the end of September 2011. Sergio is remembered by friends as an all-around great guy who made a strong impression on those who knew him. According to loved ones, Sergio was a person who genuinely cared about everyone around him. He had a gentle spirit and a deep devotion to his family. In Sergio's own words, ''It takes a lot to make me mad, and when I am, I can't be mad for long. I get along with almost everyone. I work way more than I should and I'm starting to realize how short life is.'' For his remarkable courage and selfless commitment to the Army, Specialist Perez is worthy of the highest praise. His life was taken from us far too soon. He will be greatly missed and forever cherished by those who loved him.

Specialist Perez leaves behind a beloved host of family and friends. He is survived by his adoring parents: Sergio E. Perez, Sr. and Veronica Orozco. Sergio also leaves to cherish his memory three loving sisters: Candice Perez, Andrea Jimenez, and Karyme Jimenez, and his half brother, Axel Perez Martinez. He will be greatly missed by his maternal grandparents, Alicia and Charles Orozco, and his paternal grandparents, Severo and Ramona Perez. Specialist Perez also leaves behind many other dear friends and family members, as well as a grateful, yet deeply saddened community.

Mr. Speaker, at this time, I ask that you and my distinguished colleagues join me in honoring a fallen hero, United States Army National Guard Specialist, Sergio E. Perez. Specialist Perez sacrificed his life in service to his country, and his passing comes as a great loss to our nation, which has once again been shaken by the realities of war. Specialist Perez will forever remain a hero in the eyes of his family, his community, and his country. Thus, let us never forget the sacrifice he made to preserve the ideals of freedom and democracy.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. LEE of California. Mr. Speaker, I was not present for rollcall votes 499–503. Had I been able to vote, I would have voted ''no'' on No. 499, ''no'' on No. 500, ''yes'' on No. 501, ''no'' on No. 502, and ''no'' on No. 503.

RECOGNIZING THE 302ND AIRLIFT WING'S REDEDICATION OF THE SUMIT 38 MEMORIAL

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. LAMBORN. Mr. Speaker, I rise today to recognize the rededication of the 302nd Airlift Wing's SUMIT 38 memorial.

On Saturday, May 13, 1995 a C–130 with call sign SUMIT 38 assigned to the Air Force Reserve Command's 302nd Airlift Wing based at Peterson Air Force Base, Colorado, crashed near Bliss, Idaho. SUMIT 38 had flown 15 support personnel to Boise, Idaho for firefighting training and crashed during its return flight to Colorado. Six Air Force Reservists lost their lives that day.

Lieutenant Colonel Robert R. Buckhout, 1st Lieutenant Lance Dougherty, Captain Geoff Boyd, Chief Master Sergeant Jimmie D. Vail, Master Sergeant Jay Kemp and Staff Sergeant Michael L. Scheideman perished in the crash. The men and women of the 302nd Airlift Wing, their families and the community will continue to mourn the loss.

Let us always remember the crew of SUMIT 38, and never forget the sacrifice they made in the service of our Nation. On Saturday, August 4, 2012, the 302nd Airlift Wing will rededicate the memorial to the fallen crew at Peterson Air Force Base in its new location. The memorial will become the centerpiece of the new Total Force Integration C–130 squadron operations facility.

I ask the Members of Congress to join me in remembering and honoring the crew of SUMIT 38.

H.R. 5856

HON. DAVID N. CICILLINE

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. CICILLINE. Mr. Speaker, last week the House of Representatives passed H.R. 5856, the Department of Defense Appropriations Act. While I strongly oppose some provisions of H.R. 5856, I voted in favor of this legislation in order to support our troops, military families, and veterans, and to advance other important priorities for our national defense.

I applaud the leadership of Chairmen ROGERS and YOUNG and Ranking Member DICKS in crafting a bill that provides an increase to service members' pay, strengthens health care services, and advances critical research for cancer, Traumatic Brain Injury, and other conditions. H.R. 5856 supports a continued investment in small businesses through the Rapid Innovation Program, provides for the production of two Virginia-class attack submarines, advances the Iron Dome program, and seeks to hold Pakistan accountable by ensuring they are cooperating with the United States in counterterrorism efforts, including dismantling and disrupting the manufacture of improvised explosive devices—an issue that I specifically addressed through two successful amendments to the National Defense Authorization Act offered earlier this year.

However, I must also note my strong disappointment that this legislation breaches the Budget Control Act of 2011—the bipartisan, bicameral agreement enacted into law last year, which was designed to help rein in spending and stabilize our nation's finances. Despite the fact that over $1 billion in spending was reduced through the successful adoption of an amendment offered by Representative MULVANEY and Representative FRANK, effectively freezing defense spending in the bill at current levels, H.R. 5856 still exceeds the budgetary cap set by last year's Budget Control Act by several billion dollars. An additional amendment was offered by Representatives LEE, VAN HOLLEN, and SMITH that would have brought the bill's spending in line with the levels set by last year's Budget Control Act. Unfortunately, while I voted in favor of this amendment, it was not adopted by the full House. Moreover, I offered an amendment to H.R. 5856 to strike funding for the Afghanistan Infrastructure Fund (AIF). As originally presented in the full House of Representatives, H.R. 5856 proposed $375 million in spending over the next fiscal year for large-scale water, power, transportation and other projects in Afghanistan through the AIF while our national infrastructure is crumbling here in America and in my home state of Rhode Island. While my amendment did not pass, I did vote in favor of a successful amendment offered by Representative COHEN to reduced AIF funding by $175 million.

With President Obama's announcement of the U.S.-Afghanistan Strategic Partnership Agreement in May 2012, our nation took another step toward the end of combat operations in Afghanistan and the transition of military and security operations to the Afghans by 2014—a timeline that had not yet been identified in 2011 during consideration of the FY 2012 Department of Defense Appropriations Act. I, and many of my colleagues in Congress, would prefer an accelerated drawdown

of U.S. combat troops—one that allows for the safe, orderly, and expedited withdrawal of our combat forces. During consideration of H.R. 5856, I voted in favor of amendments offered by Representative LEE and Representative GARAMENDI that would have helped bring our troops home from Afghanistan sooner. Unfortunately, these amendments did not pass. As the White House has affirmed in reference to the Partnership Agreement, the decisions regarding future troop levels and funding will need to be made in consultation with Congress.

I look forward to working with my colleagues in the House and Senate in a bipartisan fashion to reach an agreement in the coming weeks that advances the important priorities I have identified while also fulfilling our commitment under the Budget Control Act, ending the War in Afghanistan as quickly and safely as possible, and recognizing the urgent need to reinvest in our own economy and our own infrastructure right here at home.

RECOGNIZING THE NAMING AND GROUNDBREAKING OF THE MICHAEL N. CASTLE TRAIL AT THE C&D CANAL

HON. JOHN C. CARNEY, JR.

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. CARNEY. Mr. Speaker, earlier this month, the Delaware delegation recognized the vision and tireless efforts of former Congressman Mike Castle of Delaware to develop a recreational trail along the Chesapeake and Delaware (or C&D) Canal by breaking ground for construction of the trail.

The C&D Canal, managed by the Philadelphia District of the Army Corps of Engineers, has been in operation since 1829. Today, it is one of the busiest working waterways in the world, with over 25,000 vessels passing through it each year. The canal is a critical commercial waterway serving the Ports of Wilmington, Baltimore, and Philadelphia. The C&D Canal is bordered by a 16-mile stretch of flat, uninterrupted land, perfect for a trail, and surrounded by more than 7,500 acres of public land, creating a unique and safe environment for recreationists. In 2004, Congressman Castle saw these assets as an ideal opportunity to enhance the canal's existing resources by adding a recreational trail.

Under Congressman Castle's leadership, a working group was formed in 2004 with representatives from the State of Delaware, New Castle County, the Army Corps, Delaware City, Chesapeake City, the State of Maryland, and recreation groups. In 2005 and 2006, public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the C&D Canal. In March 2006, a concept plan was completed by the working group, recommending the creation of a recreational trail along the canal to be used by walkers, joggers, cyclists, and equestrians. In 2007, design work for the trail began and environmental assessments were completed, and in 2009 trail design was completed.

Congressman Castle was instrumental in obtaining resources for the trail. In addition to supporting efforts to acquire state and local funding, he also secured a total of $2.2 million in Public Lands Highways Discretionary awards in fiscal years 2008, 2009, and 2010 from the Federal Highway Administration to go toward planning and construction of the trail.

Congressman Castle's vision and years of work to build a trail along the C&D Canal was not forgotten when he left office. Recognizing the tremendous benefits that could be realized by the trail, the delegation picked up the project where Castle left off. Since then, the delegation has worked with the Federal Highway Administration, the State of Delaware, New Castle County, the recreation community, and others to reinvigorate the working group and secure additional funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal.

The recreational trail along the C&D Canal will provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City. It will create a safe and inviting recreational opportunity along the canal and will bring families and other groups to hike, bicycle, jog, skate, or ride horseback along the trail. Local business, including restaurants and shops, will reap the benefits of this increased tourism to the area. The C&D Canal trail will also support healthy lifestyles through outdoor recreation. The trail will improve safety along the canal and increase the appeal and land value of residential developments in the area. The C&D canal recreation trail will be an attractive asset for the Middletown, Odessa and Townsend region that will draw new residents to the area.

Congressman Castle long ago embraced the notion that the C&D Canal is like an emerald necklace draped across the northern portion of our beautiful state, and we are so very pleased that this jewel will be named after our dear friend.

On July 9, the Delaware Department of Transportation broke ground on Phase I of the recreational trail. This first phase will complete approximately nine miles of the trail from Delaware City to just beyond Summit Marina in Delaware, including the construction of two trail heads, parking areas, and comfort stations.

Honoring Congressman Mike Castle's longtime support of recreational and commuter-oriented greenways and trails in Delaware and across the nation, as well as his vision, leadership, and steadfast support of the Chesapeake and Delaware Canal trail, the Delaware delegation hereby dedicates the trail to him, and officially recognizes the name as the ''Michael N. Castle Trail at the C&D Canal.''

CELEBRATING THE 175TH ANNIVERSARY OF MT. VERNON BAPTIST CHURCH

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. ALEXANDER. Mr. Speaker, I rise today in celebration of the 175th anniversary of Mt. Vernon Baptist Church in West Monroe, La.

The church began when a small band of early settlers in southwest Ouachita Parish established a place of worship. These pioneers initially held services in homes, and it is believed the first building of the Mt. Vernon Baptist Church was a simple one-room log house. While the building has changed many times over the past century to accommodate the ever-growing membership, the church has continued to provide spiritual guidance to the Ouachita Parish community since its inception. Today, the sanctuary comfortably seats 600, and the average Sunday school attendance is over 400.

I ask my colleagues to join me in honoring Mt. Vernon Baptist Church for its dedication to providing a steadfast place of worship. Countless Sunday morning services, baptisms, and weddings have been held there, and I am confident it will be a strong source of Christian love, comfort and fellowship for well over the next 100 years.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

SPEECH OF

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, I rise in reluctant opposition to H.R. 5856, the FY2013 Department of Defense Appropriations Act.

Last summer, Congress and the President enacted the bipartisan Budget Control Act, BCA, a difficult compromise by both Democrats and Republicans. As a result, caps on both discretionary and defense spending were significantly tightened for Fiscal Year 2013 appropriations. Because this bill fails the test of balance and funds billions of dollars of unnecessary programs within the Defense Department, while disregarding the caps set forth by the BCA, I cannot support it in its current form. I hope to support this bill when it returns from the Senate.

I would refer my colleagues to the Budget Control Act and to Section 302, enforcement of budget goals. It's right there in plain English what the defense appropriation number will be. That was the Budget Control Act that was supported and voted on by the Chairman of the Budget Committee, the Chairman of the Armed Services Committee, the Chairman of the Appropriations Committee and the Chairman and Ranking Member of the Defense Appropriations Subcommittee.

In fact, the Chairman of the Appropriations Committee, Mr. ROGERS, said last year when we passed it, and I quote: ''Tough choices will have to be made, particularly when it comes to defense and national security priorities, but shared sacrifice will bring shared results.'' He went on to say, ''The Appropriations Committee has already started making tough decisions on spending and will continue under the spending limits and guidelines provided in this bill,'' meaning the Budget Control Act. That was August 1st of last year.

The Chairman of the full Committee was right last year but the bill that's before us violates that bipartisan agreement. As a result of that violation, the Defense Appropriation Bill exceeds significantly what was requested by

the Defense Department. The reality is the other bills that are coming through the Appropriations Committee are taking much deeper cuts—cuts to education, cuts to affordable health care, cuts to public safety—because of the funding increases in this defense bill. In other words, our investment in jobs, and the economy, and our kids future is being slashed as a direct result of the fact this defense bill exceeds the spending level set in the Budget Control Act agreement

Mr. Chairman, I would refer our colleagues to the statements made by Admiral Mullen, who served as the Chairman of the Joint Chiefs of Staff. Admiral Mullen pointed out that our military strength depends on our economic strength and our economic strength depends on our long-term fiscal health. Admiral Mullen said, ''Our national debt is our biggest national security threat.'' He went on to say, ''with the increasing defense budget, which is almost double, it hasn't forced us to make the hard trades. It hasn't forced us to prioritize. It hasn't forced us to do the analysis.'' We can no longer go along with business as usual if we are going to get our fiscal house in order.

That is why this House agreed to the Budget Control Act last summer, and it's unfortunate that this bill comes to the floor in violation of the agreement, in violation of an understanding that in order to get our fiscal house in order, we had to make tough decisions on defense and non-defense alike. And by violating the agreement in this regard, what the Committee is saying is they are not willing to make really tough decisions. In fact, they're making irresponsible decisions with respect to the nondefense domestic spending.

I agree with Admiral Mullen who said we all need to share in this responsibility. I agree with what my Republican Colleagues said last year when we passed the Budget Control Act. Let's stick to an agreement and let the American people know that when this body comes to an understanding after a hard fought compromise, we stick with it for the public good.

The Defense Appropriations bill provides $606 billion in defense spending in FY13. It includes $518.1 billion in funding for non-war related expenses. It also provides an additional $13.7 billion for Military Personnel Programs and $63.5 billion for Operation and Maintenance Programs. I am also pleased that the bill provides a requested pay raise for military personnel and supports critical funding for the DoD Peer-Reviewed Prostate Cancer Research Program and the DoD Breast Cancer Research Program.

However, the bill provides billions of dollars in funding that the Department of Defense says it neither requested nor needs. For example, it continues to fund unnecessary aircraft programs that the Defense Department did not allot for in its budget this year, and spends $138 million to resurrect C–27J contracts that the Air Force decided not to renew. Many other wasteful items that are unnecessary to our national defense are included at the expense of national funding priorities that directly impact our country's future economic growth, including investments in education, seniors, and research and infrastructure.

During this difficult fiscal period we have to be much smarter and more efficient about how we shape our defense budget. Throughout this debate, I have made clear that we must take a balanced approach to cutting the budget including eliminating unnecessary spending. There is no doubt that Congress has a responsibility to pass a Defense Appropriations bill which reflects a commitment to the millions of dedicated men and women and their families who sacrifice to keep our country safe. However, as testimony before the Budget Committee and House Armed Services Committee has made clear, we can reduce defense spending even as we continue to provide for our men and women in uniform, for our veterans and for their families, without compromising national security.

Unfortunately, the FY13 Defense Appropriations bill upends the balance painstakingly designed by the BCA and appropriates funds unnecessarily to some programs at the expense of other high-priority programs. The unrequested funding provided in this legislation will result in direct cuts to such national priorities as education, health care, research and development, and vital job training. I am also concerned that this bill deprives deserving employees of the Department of Defense of a modest cost-of-living adjustment by not providing for a civilian pay raise of .5 percent, as proposed by the Administration.

Mr. Chair, there is no higher priority than providing for the security of our country. However, during these difficult economic times, we have to be smarter and more efficient in how we shape our defense budget. In the end, the strength of our military depends on the strength of our economy. If we don't reduce our long-term deficit and get our fiscal house in order, we will weaken our capacity to fund a strong military. At the end of the day, this bill falls short of accomplishing that objective.

IN RECOGNITION OF SANDRA UPTAGRAFFT PARTICIPATING IN THE 2012 OLYMPICS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Sandra Uptagrafft. Sandra will participate in the 2012 Olympics in London.

Uptagrafft, of Phenix City, Alabama, is a Petty Officer 1st Class in the United States Navy Reserves. This will be her first time as an Olympic athlete when she shoots in the women's 25m sport pistol and 10m air pistol events.

Uptagrafft's husband, Eric, will also be participating in the 2012 London Olympics. The couple will celebrate their anniversary while in London on August 5th.

Mr. Speaker, I offer my congratulations to Sandra and best wishes to her and her husband in the Olympics and a happy anniversary.

THE ADVANTAGES OF HEALTH SAVINGS ACCOUNTS

HON. LARRY BUCSHON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. BUCSHON. Mr. Speaker, I rise today to highlight some innovative health care programs being implemented by Applied Extrusion Technologies in Terre Haute, Indiana. AET Films is a leading supplier of specialized oriented polypropylene films in North America.

In 2005, while being faced with ever increasing insurance premiums, they chose to take the path less traveled, empowering their employees through a high deductible health plan coupled with a health savings account. Over time they further implemented healthy employee incentives and education programs to help employees make better consumer-driven health decisions. The results of these programs have been irrevocable, as AET Films has seen near 0 percent premiums increases since implementation.

With the Supreme Court's recent ruling, and our vote this week to repeal the Affordable Care Act in its entirety for the 4th time, it is important to understand the creative steps being taken in the private sector that lower health care costs, and incentivize better health outcomes—all without government control or interference. I commend AET for their innovation, and encourage the Senate and the President to join the House in repealing the Affordable Care Act, which dismantles innovative programs pursued by AET Films and job creators across the United States, and replace it with private sector reforms that lessen the cost of health care for all Americans.

RECOGNIZING CAPTAIN DOUGLAS S. BORREBACH

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Captain Douglas S. Borrebach of the Joint Improvised Explosive Device Defeat Organization (JIEDDO), who will be departing after four years of outstanding service. Originally from the 18th congressional district, which I represent, Captain Borrebach's significant contributions at JIEDDO have contributed to tremendous success in countering the threat of improvised explosive devices.

Upon Captain Borrebach's arrival to JIEDDO in June 2008, his actions significantly contributed to resource planning, programming, budgeting and execution management to maximize JIEDDO's investments in the Joint Warfighter Counter-Improvised Explosive Device (C–IED) capabilities. A financial management expert and trusted steward of our taxpayer dollars, Captain Borrebach was critical in developing programmatic estimates, with JIEDDO managing a $10 billion budget for C–IED requirements.

After nearly three years as JIEDDO's Comptroller, Captain Borrebach was handpicked to lead the Requirements and Resources Directorate at JIEDDO in April 2011, a testament to his keen analytical capabilities and ability to identify current and future resourcing opportunities. The confluence of his superb leadership, operational background, and expert knowledge in acquisition and financial management was instrumental in fulfilling one hundred percent of Combatant Command Counter-IED Joint Urgent Operational Need Statements. Over the past four years his efforts to collaborate with academia, industry, and the whole of government has led to the

development and validation of critical C–IED solutions ahead of the threat.

As a father of a West Point Cadet from the Class of 2013, Captain Borrebach has worked tirelessly to improve the protection of those Soldiers, Sailors, Airmen and Marines downrange as if they were his own. Over his tenure, he has contributed significantly to the improvement of the IED found and clear rate and correspondingly has helped prevent casualties and loss of life.

I am proud to share in the celebration of Captain Borrebach's remarkable accomplishments that have served this nation well in Afghanistan and Iraq. As he departs for his alma-mater, the United States Naval Academy, for his final assignment in his thirty-year career, I ask my colleagues to recognize his leadership and distinguished service.

CONGRATULATING JORDAN BRITTON, MISSOURI TRACK AND FIELD STATE CHAMPION

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate Hollister High School's Jordan Britton for winning the Long Jump and the Triple Jump State Titles at the Class 2 Missouri Track and Field Championships.

Jordan worked hard throughout the season to achieve his state championship titles. After districts he was ranked first in Long Jump. Upon reaching the state competition Jordan found himself struggling to match his previous best jumps. With help from Head Coach Tucker Pierce and Jump Coach Greg Brown, Jordan was able to recover and found himself in fourth place before his second to last jump. It was then that Jordan put forward his best performance with a leap of 21 feet and 10 inches, which was just enough to give him the top prize in the Class 2 finals.

Jordan also took the Triple Jump with a leap of 43 feet and 6 inches, gaining his second title at the state championship. Having entered the state competition in third place, Jordan knew he would have to jump a personal best to even medal. Competing against the number one seed in the final, Jordan overcame a 43 foot leap to secure first place by 6 inches, again giving his best performance in the second to last jump.

The Hollister School District as well as the track and field staff are proud to have such a fine young man representing their school. He truly represents his family, school and the state of Missouri in a positive manner.

I urge my colleagues to join me in congratulating Jordan on his State Track and Field Championship Titles.

CANCER-FREE LABEL ACT

HON. THEODORE E. DEUTCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. DEUTCH. Mr. Speaker, exposure to cancer-causing agents increases every American's risk of cancer, and they are found in everyday products and in the environment.

Since only 5% of cancer is caused by genetic factors, people can reduce their risk of getting cancer by the other 95% of causes by reducing their exposure to carcinogens.

We all know that we can reduce our risk of getting cancer by wearing sunscreen, quitting smoking, and steering clear of asbestos. But what about everyday products? Which makeup has carcinogens? Which pesticides? Which air fresheners, carpet cleaners, flea collars, and yes, food items, increase your family's risk of cancer? Which baby shampoos?

The reality is consumers do not know. Even if our constituents memorized the list of known and probable carcinogens, many substances in consumer products remain hidden. Words like ''fragrance'' and ''artificial flavoring'' are used in place of specific ingredients to protect companies' trade secrets, and they should. But there is no denying that this protection makes it harder for consumers to make fully informed choices.

And even if known carcinogens were not part of a product's ingredient list, certain manufacturing or storage practices can result in the introduction of carcinogens into a product, which then can pass into your body.

Today, I am introducing legislation called the ''Cancer-Free Label Act.'' Under this bill, manufacturers who would like to market their products as being completely free of all known carcinogens would be allowed to seek a ''cancer-free'' label. By submitting a confidential application to be evaluated by the agency that regulates their specific product, a manufacturer could provide consumers assurance that the product is free of known carcinogens without having to divulge valuable trade secrets. The voluntary application would protect manufacturers' hard-earned intellectual property and could not be used by any agency of government for any reason other than determining the product's ''cancer-free'' status.

The application would simply include a full list of substances and a demonstrated adherence to best carcinogen-avoidance practices in manufacture, storage, and transportation. In addition, this program would not mandate any new bureaucracy to evaluate carcinogens; it simply creates a process for agencies to compare ingredients lists against existing government lists of known and probable carcinogens.

Unlike other well-intentioned efforts to get carcinogens out of consumer products, this legislation would not rely on mandates or bans. If a manufacturer does not choose to apply, there is no penalty. The labeling program is 100% voluntary. It would simply harness the power of the free market, enabling consumers to choose safer products for themselves and their families. We all remember the most recent example of this—it was consumer selection, not government intervention, that got BPA out of baby products.

I urge my colleagues to pass this market-driven legislation and give consumers and families across America the power to opt-out of cancer-causing substances in everyday products.

COMMEMORATING THE 38TH ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. SHELLY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. BERKLEY. Mr. Speaker, I rise to call my colleagues' attention to the 38th anniversary of Turkey's unlawful and tragic invasion of Cyprus. Turkey's occupation, which began on July 20, 1974, left thousands of innocent Greek Cypriot civilians without their homes, their land, and their families. It is crucial for us to commemorate this unfortunate situation and assist the people of Cyprus in reaching a solution.

Many of the Cypriot generation who suffered the invasion have not lived to see justice or a resolution to this conflict. Although many of the survivors have had the opportunity to return to their homes on the northern side of the island, it was only to discover them occupied by Turkish settlers.

Only Turkey recognizes the occupied northern side of the country as a Turkish Cypriot state, but it does not even provide a valid standard of living to their own citizens. This was made evident through the recent demonstrations by Turkish Cypriots who have displayed their own dissatisfaction with the Turkish occupation. More recently, Turkey has threatened the use of force to stop Texas-based Noble Energy from drilling for oil and gas off the shores of Cyprus and to blacklist any businesses that work with Cyprus for natural resource extraction.

Meanwhile, the Turkish government has begun to sow instability throughout its region. Turkey recognizes the terrorist Hamas government in Gaza and even received its leader in the Turkish parliament earlier this year—disturbing hypocrisy from a state that receives US support for its own fight against terrorism. Turkey also demands that Israel end its naval blockade of Gaza, despite the deadly security threat Hamas poses to Israel. Turkey's repeated, flagrant criticism of Israel is particularly troubling and potentially destabilizing.

Turkey continues to deny the Armenian Genocide during which 1.5 million Armenians perished and has threatened punitive measures against the United States if Congress recognizes this tragic event. Since 1993, Turkey has maintained a destabilizing blockade of Armenia.

The time has come for Turks to end their threats and denials, withdraw their troops, and return the territory that is not rightfully theirs. That way, the Cypriots—and the Cypriots alone—can make the decisions affecting their future.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

SPEECH OF

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense

for the fiscal year ending September 30, 2013, and for other purposes:

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 5856, Department of Defense Appropriations Act for Fiscal Year 2013. H.R. 5856 provides $519.2 billion for the base budget of the Defense Department in fiscal year 2013 which is $3.1 billion above the President's request and $1.1 billion above the fiscal year 2012 level.

In addition, the Department of Defense (DOD) appropriations bill provides $88.5 billion in fiscal year 2013 contingency funding for ongoing military operations in Afghanistan, at the President's request and $26.6 billion below the fiscal year 2012 level. The contingency funding being $26.6 billion below the fiscal year 2012 level reflects the continued drawdown of U.S. activities in Iraq and Afghanistan.

I support this bill for three reasons:

(1) Provides all service members a pay raise of 1.7 percent, the level included in the President's request;

(2) Provides $33.9 billion, $334 million above the President's request, for Defense health care programs for our troops, their families, and retirees; and

(3) Provides $1.6 billion for measures to counter improvised explosive devices in Afghanistan.

I would like to thank Chairman YOUNG and Ranking Member DICKS for ensuring that there were no reductions in the number of C–17s that are in use by our Armed Services in the Fiscal Year 2013 Defense Appropriations bill. The C–17 is the Air Force's premier strategic transport aircraft and remains the military's most reliable and capable airlift aircraft. The C–17 has proven capable of delivering more cargo, troops, and non-war humanitarian missions than any other aircraft. The C–17 delivered needed relief supplies and search and rescue teams immediately in the aftermath of the destruction in Japan. The C–17 also delivered over 10,005 tons of disaster relief supplies and carried 13,812 passengers in response to the earthquake that struck Haiti in 2010.

Mr. Chair, in my remaining time let me briefly highlight additional key provisions. This legislation provides increased funding of $246 million for cancer research, $245 million for medical facility and equipment upgrades, $125 million for Traumatic Brain Injury and psychological health research, and $20 million for suicide prevention outreach programs. Also, provides $2.3 billion for family support and advocacy programs.

This bill provides $181 million in additional funds not requested by the President to keep open production lines for the M–1 Abrams tank and the Bradley Fighting Vehicle. As our nation goes through an Armed Forces reduction, protecting critical industries such as U.S. combat vehicle is imperative. Maintaining a modest and continuous Abrams production line is necessary to persevering superior battlefield capabilities. Chairman of the Joint Chiefs of Staff General Martin Dempsey said, ''capability is more important than size.'' I agree. In April, I signed onto a letter to Secretary of Defense Leon Panetta expressing that sentiment.

H.R. 5856 maintains our military superiority by continuing the research and development of current and future military equipment. This bill provides $5.9 billion for procurement of the F–35 Joint Strike Fighter. Provides $2.6 billion for procurement of modified F–18 Super Hornets, which is $562 million and 11 aircraft more than the President's request. Also, provides $1.8 billion to develop the KC–46A, the Air Force's next-generation aerial refueling aircraft.

This bill also provides $250 million above the President's request for the Rapid Innovation Fund. This will continue the efforts started by the Armed Services Committee in fiscal year 2011 to promote innovative research in defense technologies among small businesses. H.R. 5856 includes $519 million for the Cooperative Threat Reduction program, known as Nunn-Lugar, to assist in the denuclearization and demilitarization of the states of the former Soviet Union.

Finally, let me note my opposition to a number of provisions in this bill. This bill provides no funding for the Medium Extended Air Defense Systems (MEADS) program, which is a joint U.S.-German-Italian effort planned to replace Hawk and Patriot systems worldwide by 2018. Provides $118 million less than the President request for necessary F–22 warplane modifications. Reduces the Defense Acquisition Workforce Development Fund (DAWDF) by $224 million from the fiscal year 2013 budget.

Mr. Chair, this bill is based upon a $1.028 trillion discretionary spending cap for fiscal year 2013, which is $19 billion below the $1.047 trillion discretionary spending cap agreed to in the bipartisan Budget Control Act. With my colleagues across the aisle squeezing our discretionary spending, they are hampering our ability to support many key national security priorities.

For these reasons, I urge my colleagues to support and join me in voting for the bill on final passage.

A TRIBUTE TO MASTER POLICE OFFICER JEREMIAH GOODSON

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MCINTYRE. Mr. Speaker, I rise today to pay tribute to Master Police Officer Jeremiah Goodson of Lumberton, North Carolina, had his life taken from him while protecting his community on July 17, 2012. Officer Goodson had served on the City of Lumberton Police Department since 2006, and is the first Lumberton Police officer to be killed in the line of duty in 76 years. Officer Goodson will be remembered by all those whose lives he touched as the finest example of bravery, honor, and public service.

Officer Goodson, a native of Lumberton, worked selflessly to make a positive difference in his community. In addition to his service with the Lumberton Police Department, Officer Goodson was also a member of the police force's Gang Unit and served as a Resource Officer at Lumberton High School. Officer Goodson's colleagues at the Police Department spoke of Goodson as a personable officer and a great person who never met a stranger. Students at Lumberton High School recall Goodson as a good, loving, gentle person who will be remembered for doing his work diligently and cheerfully.

Over his lifetime, Officer Goodson earned countless friends because of his readiness with a lighthearted joke or kind word. Because of his six years of service with the police department and his friendly personality, Officer Goodson had one of the most respected and recognizable faces in his community.

He was so widely admired within his community that the celebration of his life was held at Lumberton High School to better serve the huge amount of people attending to honor and remember him. The outpouring of grief from the Lumberton community is a testament to a life well-lived, and one that ended too soon.

Above all, Officer Goodson will be missed by his family and friends. He was the son of Bettie and Jerry Goodson, a brother to Isis and Joshua Goodson, the loving husband of Lametria Goodson and father to their children, Jurnee Amiah Goodson, Tyrin Hueston, and Josiah Malachi Goodson. Though their sorrow must run deep, we hope they may take comfort in knowing that this man is a hero to his community and he will rest in peace with his Savior. May God bless his family, and may we always keep in remembrance the life of Master Police Officer Jeremiah Goodson.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. SCHAKOWSKY. Mr. Speaker, on rollcall No. 503 had I been present, I would have voted ''no.''

RECOGNIZING PATRICK VAN GRINSVEN

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. QUIGLEY. Mr. Speaker, I rise today in recognition of Patrick Van Grinsven, a vital member of my staff for over the past 3 years.

Friday, July 20th was Pat's last day serving the people of the Illinois Fifth Congressional District. He has served with distinction since June 2008 when he joined the staff of my predecessor in office, the Honorable Rahm Emanuel. In April 2009, after I was sworn in, Pat joined my staff as a Legislative Correspondent and now departs as a Legislative Assistant.

Pat began his career in public service when he became an intern in the office of his hometown Congressman, the Honorable Rahm Emanuel. Pat quickly moved up and in late 2008 he was promoted to Staff Assistant. After Congressman Emanuel left to become President Obama's Chief of Staff and I was elected as his successor, Pat joined my office as a Legislative Correspondent to continue serving the Fifth District. Pat managed all my constituent correspondence—an exceptionally difficult task amidst the controversy of the 111th Congress. In 2010, I promoted Pat to Legislative Assistant and since then he has handled some of my highest priority issues including transportation, veterans, postal, and labor. As the longest-tenured staff member serving the Fifth District in Washington, DC, Pat will be sorely missed.

It has been a pleasure to work with Pat over the past 3 years. He is passionate and serious about his work and he has a great sense of humor, an underrated trait in Congress. As a native Chicagoan, Pat is an ardent supporter of the Cubs, Bulls, Blackhawks, and Bears. We will also miss his devotion to soccer or, as I like to call it, weed hockey.

Mr. Speaker, I wish Pat the best of luck as he begins a master's program at the School of Advanced International Studies at the Johns Hopkins University. I thank him for his service to the Illinois Fifth Congressional District.

SEMINOLE HIGH SCHOOL CELEBRATES ITS 50TH ANNIVERSARY

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. YOUNG of Florida. Mr. Speaker, it is with great pleasure that I rise to join with the students, faculty, staff and past graduates of Seminole High School in celebrating its 50th anniversary.

Located in Seminole, Florida, Seminole High is an institution with students who excel, not only in the classroom, but in the arts and sports as well. It was established in 1962 to meet the pressing need for a high school in the rapidly growing Seminole area. Now, 50 remarkable years later, this comprehensive public school, that I have the privilege of representing, has quite a history, which would not be possible without the hard work and dedication of the students, teachers, and faculty alike, who have devoted their time and energy into making Seminole High School what it is today.

Home to several National Merit Scholars and the three-time winner of the ''St. Petersburg Times' All Sports Award'' for best athletic programs in the Tampa Bay area, it is no wonder that Seminole High is a seven-time winner of the Florida Department of Education's Five Star School Award, which is presented to schools that have ''shown evidence of exemplary community involvement.'' Seminole High School's academic record also has received special attention as it exceeds the state average with a higher graduation rate than most other schools, not only in its district, but in the entire State of Florida.

With such a gifted student body, this school has many famous alumni ranging from professional football players, Olympic swimmers, a Miss America, and my wife, Beverly. The Seminole Warhawk marching band has performed in famous events such as the Macy's Thanksgiving Day Parade in New York City, as well as the Rose Bowl Parade, which they are due to participate in for the second time this New Year's Day.

With half a century of history and a record of sterling accomplishments, it is no surprise that Seminole High School has progressed from what was once only a simple two-building complex in the 1960s, to a superior academic and athletic high school that it is today. It is due to the extraordinary faculty, and of course, the talented student body that has allowed Seminole High School to excel for 50 years. Certainly, Seminole High has much to be proud of and I look forward to seeing what successes they will achieve over the next 50 years.

IN MEMORIAM AND REMEMBRANCE OF SYLVIA WOODS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. RANGEL. Mr. Speaker, it is with great sadness, but also great pride, that I rise today to share a few words about Sylvia Woods, founder of Sylvia's Restaurant in Harlem, who passed away on Thursday, July 19, 2012. Ms. Woods was a local hero and a world renowned restaurateur, but also a dear personal friend; her death marks a devastating loss to Harlem and the greater New York City community, and she will be sorely missed. On behalf of the Harlem community, my wife Alma and I extend our sincere and heartfelt support, love, and sympathy to Ms. Sylvia's entire family.

Ms. Sylvia was an exceptional woman whose extraordinary work ethic and wonderful character should serve as a model for all Americans. Her life epitomized the American dream. Growing up on a farm in Hemingway, South Carolina, she began working in the field as a young girl and then made her way to New York in search of opportunity. After working as a teenager in a Queens hat factory for several years, she began working as a waitress at a luncheonette in Harlem.

This would mark the beginning of her fortuitous journey to the center of Harlem society. Ms. Sylvia would eventually purchase that luncheonette and, with hard work and patience, transform the small restaurant into a commercial empire boasting a catering service, banquet hall, and a nationally distributed line of prepared foods. Her farm to fame journey should remind us all of the great opportunity this country represents, and the hard work necessary to achieve it.

But Ms. Sylvia's success was as much a result of her charming personality as it was of her work ethic. She was a dynamic, warm, and kind woman who greeted every customer with a friendly and inviting smile. Her incredible hospitality and personable nature were symbolic of Harlem's rich communal character, and for that she was beloved. Her energetic personality attracted local and national politicians, international celebrities, tourists, and ordinary neighborhood residents, and created an environment so comfortable that it naturally became the social center of our community.

I want to thank Ms. Sylvia for her decades of service to our community, and for the many personal memories that I will cherish forever. Thank you for creating such a special, magical place at the soul of Harlem. Nothing can replace you, but your legacy will live on forever in our hearts.

Mr. Speaker, I ask that you and my distinguished colleagues join me in mourning Ms. Sylvia Woods' passing. It is my hope that her example will serve as a testament that, with hard work and genuine character, we can achieve our greatest dreams.

FEDERAL RESERVE TRANSPARENCY AND POLITICAL INDEPENDENCE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. RYAN of Wisconsin. Mr. Speaker, in response to the recession and financial crisis, the Federal Reserve had to take a variety of unorthodox measures to stabilize our credit markets and resuscitate the economy. Many in Congress have felt unease as the Fed took emergency actions to rescue individual companies and launched a variety of new credit facilities for an increasing number of banks, financial institutions and even investors. I share this unease and I believe that Congress should have the ability to gather information about the Fed's actions. That is why I voted in favor of H.R. 459, the Federal Reserve Transparency Act.

However, I do want to register my caution about opening up the Fed's monetary policy deliberations and actions to a government audit as it could erode the Fed's political independence. Even the appearance of politicians gaining some measure of influence over monetary policy decisions could have disastrous consequences. Political independence is not simply a luxury for our central bank. It is a core principle of good economic policy that yields real benefits for the American people. A number of empirical studies have shown that countries with independent central banks tend to have steadier economic growth and low and stable rates of inflation. This is not surprising. Just as politicians involved in fiscal policy have a bias toward greater spending, monetary policy influenced by politics would have a bias toward looser credit over the short term and therefore higher rates of inflation over the longer term. Financial markets would immediately recognize this and push up our borrowing rates and weaken our currency.

Congress should strive for robust oversight of the Fed, but it must guard against political interference. In the end, an independent Federal Reserve with a clear and focused mandate is the best way to achieve the desirable ends of sustainable economic growth, job creation, and low inflation.

FEDERAL RESERVE TRANSPARENCY ACT OF 2012

SPEECH OF

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, while I fully believe that the Federal Reserve is in need of greater transparency and accountability, I rise in opposition to this bill, which I believe approaches the issue in a problematic way. I want to be clear that the Fed should not take my vote against this bill as a vote of confidence.

In order for the Federal Reserve to function properly as an independent central bank, I believe that its monetary policy functions must be independent of pressure from Congress, which would be jeopardized by a GAO audit of

the Fed's monetary policy. We've seen recently the harmful impact that congressional pressure can have on the Fed's monetary policy even without this audit, such as Republican members of Congress urging the Fed to take no further actions to rescue the economy, which is why I bring to my colleagues' attention the below column by former Federal Reserve Vice Chairman, Alan Blinder, in which he points out additional options for the Fed to tackle the elevated unemployment rate that are not being used.

That said, it is clear that cultural change is needed at the Federal Reserve, which has too often put the needs of America's biggest banks ahead of the interests of the American public. As just the latest example, JP Morgan Chase CEO, Jamie Dimon, has refused to resign from the board of the New York Federal Reserve Bank, despite the fact that the New York Fed is investigating misbehavior at JPMorgan Chase's Chief Investment Office that contributed to its recent multi-billion dollar trading loss.

Furthermore, I strongly supported a provision in the Dodd-Frank Act that has increased transparency at the Fed, providing for an audit of the emergency financial assistance provided by the Fed during the financial crisis, as well as requiring the Fed to release information going forward about parties participating in emergency lending programs and the details of those transactions. The bill also importantly limited the power of bankers like Mr. Dimon who serve on the boards of regional Federal Reserve Banks.

There is one aspect of today's bill that I strongly support, the provision of this bill added in committee by Mr. CUMMINGS, which provides for an audit of the Independent Foreclosure Review, which has been grossly mismanaged by the Fed and the Office of the Comptroller of the Currency and does not appear to be on track to provide appropriate compensation to homeowners who were abused. I believe that the Fed needs to know that their role is to look out for the American public, and I hope they hear that loud and clear today.

HOW BERNANKE CAN GET BANKS LENDING AGAIN

(By Alan S. Blinder)

If the Fed reduces the reward for holding excess reserves, banks will have to find something else to do with their money, like making loans or putting it in the capital markets.

The U.S. economy could use another boost, and it won't come from fiscal policy. Can the Federal Reserve provide it?

Chairman Ben Bernanke keeps insisting that the central bank is not out of ammunition, and in a literal sense he is right. After all, the Fed has not yet exhausted its bag of tricks. It is still twisting the yield curve. It can purchase more assets. It can tell us that its federal funds target interest rate will remain 0–25 basis points beyond late 2014. It can even nudge the funds rate down within that range. The operational question is: How powerful are any of these weapons?

Let's start with Operation Twist, which was recently extended through the end of this year. The Fed seeks to flatten the yield curve by buying longer-term Treasurys and selling shorter-term ones. And it's probably succeeding—a bit. But Federal Reserve activity in the Treasury markets is modest compared with the vast volume of trading. Realistically, the U.S. yield curve is probably influenced far more by daily developments in Europe. In any case, the Fed will be out of short-term Treasurys to sell by December.

The logical next step would be more quantitative easing—QE3—or, as the Fed likes to call it, more large-scale asset purchases. Purchases of what? There are two main choices. One is Treasurys. But does anyone really think that lower U.S. Treasury rates are what this country needs?

Mortgage-backed securities (MBS) are a better choice, the idea being to reduce mortgage rates by shrinking the spread between MBS and Treasurys. But mortgage rates are already falling toward 3.5%. With 10-year expected inflation around 2.1%, can a 1.4% real interest rate be deterring many prospective home buyers? No, they are shut out of the market by the unavailability of credit. Posted rates are low, but try getting a mortgage.

The third available weapon is what the Fed calls ''forward guidance''—that is, indicating (please don't say promising!) that the 0–25 basis points funds rate will be maintained for years to come. The Fed's current guidance (please don't call it a pledge!) extends ''at least through late 2014.'' While that's pretty far into the future, the Fed could stretch it to 2015, 2016 or 2025 for that matter.

In rational models, the yield curve should flatten a bit every time the Fed pushes that date out further. But the key words here are ''rational'' and ''a bit.'' To most bond traders, two and a half years is already an eternity. Would they really respond much if 2015 replaced 2014?

This brief analysis paints a pretty grim picture: The Fed has three weak weapons, one of which will be exhausted by year's end.

Fortunately, there is more the Fed can do. I have two out-of-the-box suggestions to make, one in today's column and another in a companion piece soon.

The simpler option is one I've been urging on the Fed for more than two years: Lower the interest rate paid on excess reserves. The basic idea is simple. If the Fed reduces the reward for holding excess reserves, banks will hold less of them—which means they will have to find something else to do with the money, such as lending it out or putting it in the capital markets.

The Fed sees this as a radical change. But remember that it paid no interest on reserves before the 2008 crisis and, not surprisingly, banks held practically no excess reserves then. In early October of that year, Congress gave the Fed authority to pay interest on reserves, which it promptly started doing. When the Fed trimmed the federal funds rate to its current 0–25 basis-point range in December 2008, it also lowered the interest rate on reserves to 25 basis points, where it has been ever since.

My suggestion is to push it lower in two stages. First, test the waters by cutting the interest on excess reserves (in Fedspeak, the ''IOER'') to zero. Then, if nothing goes wrong, drop it to, say, minus-25 basis points—that is, charge banks a fee for holding their money at the Fed. Doing so would provide a powerful incentive for banks to disgorge some of their idle reserves. True, most of the money would probably find its way into short-term money-market instruments such as fed funds, T-bills and commercial paper. But some would probably flow into increased lending, which is just what the economy needs.

The Fed has steadfastly opposed this idea for years. Why? One objection is true but silly: Lowering the IOER might not be a very powerful instrument. No kidding. Are there a lot of powerful instruments sitting around unused?

The other objection is that making the IOER zero or negative would push other money-market rates even closer to zero than they are now, thereby hurting money-market funds and otherwise impeding the functioning of money markets. My answer two years ago was that we have more important things to worry about. My answer today is that it has mostly happened anyway: U.S. money-market rates are negligible.

It is noteworthy that the European Central Bank just jumped ahead of the Fed by cutting the rate it pays on bank deposits to zero—and European money markets did not die. Denmark's National Bank went even further, dropping its deposit rate to minus 20 basis points. Yet the Little Mermaid still sits in Copenhagen harbor.

The Fed's hostility toward lowering the interest on excess reserves is almost self-contradictory. When Mr. Bernanke lists the weapons the Fed plans to use when the time comes to tighten monetary policy, he always gives raising the IOER a prominent role. His reasoning is straightforward and sound: If the Fed makes holding reserves more attractive, banks will hold more of them. Why doesn't the same reasoning apply in the other direction?

But suppose it doesn't work. Suppose the Fed cuts the IOER from 25 basis points to minus 25 basis points, and banks don't lend one penny more. In that case, the Fed stops paying banks almost $4 billion a year in interest and, instead, starts collecting roughly equal fees from banks.

That would be almost an $8 billion swing from banks to taxpayers. There are worse things.

Mr. Blinder, a professor of economics and public affairs at Princeton University, is a former vice chairman of the Federal Reserve.

ELEANOR LOGAN, LONDON 2012 OLYMPIC ATHLETE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. PINGREE of Maine. Mr. Speaker, I am pleased to highlight the outstanding accomplishments of a young woman from Maine's First District.

Eleanor Logan has been rowing since 2003. She has shown true dedication to the sport in her training and competition, and has won numerous awards for her rowing, both nationally and internationally. After winning gold in the 8-person shell at the 2008 Beijing Olympics, she set her sights on completing her undergraduate degree from Stanford University while also training for the 2012 U.S. Olympic Team. And now, within weeks, she will be representing our nation in the London Olympics.

I'm very proud to highlight Eleanor's success. She is a shining example of what can be accomplished with opportunity and commitment. Successfully balancing education and training, she has worked tremendously hard to achieve her Olympic dreams.

As Eleanor continues on her journey as an athlete and a leader, she is enabling Maine to shine on the international stage, as well.

Go Team USA!

HONORING DEBRA MALINA, PRESIDENT OF THE AMERICAN ASSOCIATION OF NURSE ANESTHETISTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. SCHAKOWSKY. Mr. Speaker, today I rise to pay tribute to Debra Malina, CRNA, DNSc, MBA. Ms. Malina will soon complete her year as national president of the American Association of Nurse Anesthetists (AANA). I am very pleased that Ms. Malina was tapped as the 2011–2012 President of this prestigious national organization.

Founded in 1931, the AANA is the professional organization that represents more than 44,000 practicing Certified Registered Nurse Anesthetists (CRNAs) and Student Nurse Anesthetists who will become CRNAs. CRNAs are advanced practice registered nurses who administer approximately 32 million anesthetics to patients each year. They work in every setting in which anesthesia is delivered, including hospital surgical suites and obstetrical delivery rooms, ambulatory surgical centers, and the offices of dentists, podiatrists, and all types of specialty surgeons. They also provide acute and chronic pain management services to patients in need of such care. CRNAs provide anesthesia for all types of surgical cases and, in some states, are the sole anesthesia providers in 100% of rural hospitals, ensuring that these facilities can offer their communities obstetrical, surgical, and trauma stabilization services.

The American Association of Nurse Anesthetists is headquartered in my district, and President Malina has served the association extremely well and helped to improve health care for all Americans. A CRNA for 15 years, Ms. Malina received her doctorate in nursing science from the University of Tennessee in Memphis, Tennessee, and her master's degree in business administration from Madison University in Gulfport, Mississippi. Additionally, she earned her master's degree in anesthesiology from Barry University in Miami Shores, Florida and a bachelor's degree in nursing from Florida International University in Miami.

In addition to her current service as AANA President, Ms. Malina has held various leadership positions in the AANA, including President-elect, Treasurer, Region 2 Director, and member of the Finance Committee. Ms. Malina has also served as the AANA Association Management Services director. In addition, she is a former president of the Tennessee Association of Nurse Anesthetists and has served on numerous committees on the state and national levels. She was also an advanced practice nursing member of the Tennessee Board of Nursing.

Adding to her professional accomplishments, Ms. Malina has effectively used her experience in education and CRNA practice to inform the public about the safety, value and cost-effectiveness of CRNA care. During her AANA Presidency, Ms. Malina has played important roles in advocating for the practice of nurse anesthesia and its patients before Medicare and other federal agencies and with members of the Congress of the United States. She has worked tirelessly to promote the facts that CRNAs help make healthcare work better and cost less.

Let me give just two examples of her leadership. The Institute of Medicine reports that 100 million Americans suffer from chronic intractable pain, which costs more than two-thirds of a trillion dollars each year in medical and economic costs. Ms. Malina has demonstrated leadership in urging Medicare to restore direct reimbursement for pain management services provided by CRNAs—a move that will improve care for patients and reduce unnecessary costs. Ms. Malina and her national organization were also crucial in supporting provisions included in the recently-enacted Food and Drug Administration user fee reauthorization to combat critical shortages of anesthesia and other drugs.

Mr. Speaker, I rise to ask my colleagues to join me today in recognizing the outgoing President of the American Association of Nurse Anesthetists, Ms. Debra Malina, CRNA, DNSc, MBA, for her notable career and outstanding achievements.

SOUTHERN PINES IS AN ALL-AMERICA CITY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. COBLE. Mr. Speaker, we are excited to report that a city in the Sixth District of North Carolina has been nationally cited for its efforts to promote literacy. This is a prime example of where hard work pays off for Southern Pines, North Carolina. The plan to improve reading through the resources of a coalition of business, government and civic leaders has resulted in Southern Pines being named as an All-America City.

Due to Southern Pines' development of a sensible and sustainable plan to increase grade-level reading proficiency by the end of the third grade, the National Civic League presented Southern Pines with the prestigious All-America City award on July 2, 2012, during the Grade-Level Reading Communities Network Conference and All-America City Award celebration. Southern Pines Library Director Lynn Thompson and her husband Bob Howell, Boys and Girls Club Executive Director Caroline Eddy, as well as PineStraw Magazine's Cos Barnes, accepted the award while representing Southern Pines during the conference in Denver.

With the efforts of leaders in the community such as The Country Bookshop, Southern Pines Public Library, and Boys and Girls Club expanding their summer reading programs, they have renewed the enthusiasm for elementary literacy. ''I think the award recognizes what a great community this is to live in,'' Mayor David McNeill told The Pilot. ''I congratulate everyone who has worked so hard on this project, but the kids are the real winners. The efforts that they will put forth to improve their reading skills will benefit them for a lifetime.''

Deserving thanks and credit for their hard work and effort towards elementary literacy include Southern Pines Public Library, Boys and Girls Clubs of Sandhills, Moore County Chamber of Commerce, Moore County Literacy Council, Moore County NAACP, Partners for Children and Families, Sandhills Children's Center, and United Way of Moore County. Also deserving recognition for this prestigious award is Southern Pines Town Manager Reagan Parsons.

On behalf of the citizens of the Sixth District of North Carolina, we congratulate Southern Pines for being named as an All-America City. The city called its campaign, ''Southern Pines Grows Great Leaders,'' and we are thrilled that the National Civic League agrees with us that Southern Pines is a great place to learn and live.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was $10,626,877,048,913.08.

Today, it is $15,882,491,122,065.69. We've added $5,255,614,073,152.61 to our debt in just over 3 years. This is debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF ERIC UPTAGRAFFT PARTICIPATING IN THE 2012 OLYMPICS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Sgt. 1st Class Eric Uptagrafft. Eric will participate in the 2012 Olympics in London.

Uptagrafft, of Phenix City, Alabama, is the rifle instructor for the U.S. Army Marksmanship Unit. He competed in the 1996 Atlanta Olympics finishing 30th. Uptagrafft spent seven years engineering a new rifle with gunsmiths and through the U.S. Army Marksmanship Unit's custom firearms unit.

Uptagrafft's wife, Sandra, will also be participating in the 2012 London Olympics. The couple will celebrate their anniversary while in London on August 5th.

Mr. Speaker, I offer my congratulations to Eric and best wishes to him and his wife in the Olympics and a happy anniversary.

DR. JOHN EVANS ATTA MILLS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today in remembrance of Dr. John Evans Atta Mills, President of the Republic of Ghana. I was saddened to hear about the untimely death of President Mills. My thoughts, prayers and condolences go to his wife, family and the people of Ghana. The World has lost a leader, visionary and champion for democracy.

President Mills pledged his life to education and the betterment of his beloved Ghana. He

was born in July 1944 in the Western Region of Ghana. He was a master student who began his schooling at the revered Achimota Secondary School in Accra. He later went on to earn his bachelors and law degrees from the University of Ghana at Legon in 1967. Upon the completion of his PhD in African and Oriental Studies from the University of London, President Mills was selected as a Fulbright Scholar at Stanford University School of Law.

After setting a strong foundation he returned home to educate and impart his lessons on the youth. President Mills dedicated nearly twenty five years to higher academia as a professor in numerous areas such as law, tax and African studies. He was passionate about teaching and politics. First serving in the capacity of Vice President from 1997 through 2001, Dr. Mills was sworn in as President and Commander in Chief of the Republic of Ghana in January of 2009.

I join with President Obama and various world leaders as we remember President Mills, who was often referred to as a calm politician and gentle giant. In 2009, President Obama and the First Family traveled to Ghana in his first presidential visit to Sub-Saharan Africa. President Obama praised President Mills for making Ghana a ''good news story'' that had good democratic credentials. Under the leadership of President Mills, the United States and Ghana deepened our partnership in the promotion of good governance and economic development.

President John Evan Atta Mills is credited with leading Ghana through a period of stability and economic growth in the midst of unforeseen global circumstances. He is quoted in saying ''Every Leader has a period of service''. Though his service has come to an unexpected end, as we reflect upon his life and legacy, we can appreciate his tireless efforts that have come to fruition. A shining star in West Africa, Ghana was and still remains a trailblazing nation for the region and continent, with its strong tradition of democracy.

SHINING STARS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. POE of Texas. Mr. Speaker, last month I had the honor and the privilege to be among our community's proudest at the Kingwood Fallen Heroes Memorial Golf Tournament. Folks teed off to honor three of our local fallen heroes from the Kingwood community: Sergeant William Meeuwsen, Lance Corporal Luke Yepsen and Sergeant Brandon Bury. The money raised at the tournament goes back to veterans through the local Houston Area Chapter of the Blue Star Moms as well as several other military related organizations. This was the first year friends and family organized a golf tournament and they were able to raise $80,000; donating $30,000 to our local Blue Star moms. What a way to give back to those who have sacrificed so much—including the Blue Star mom.

The Blue Star Mothers Organization began as a Veteran Service Organization to provide care packages to military serving overseas and offer assistance to their families here at home. In 1960, the United States Congress chartered the Blue Star Mothers of America as a Veterans Service Organization and they have dutifully kept this organization going strong by supporting families awaiting their child's safe return or consoling those whose sons or daughters who gave their lives for our freedom.

All mothers have that special sparkle about them when they talk about their children, but there is something different in the twinkle when you talk to a mother whose child has gone off to war. One of the toughest parts of being your Congressman is to talk to moms and dads that have lost a child in action. It is a grief I cannot fully relate to and one we all pray we never know. But their courage and their understanding of their child's sacrifice is powerful and inspiring. Every Blue Star mother knows that in a split second their lives can change forever and their Blue Star banner can turn to Gold.

During World War I, if a son had gone off to war in the War to End All Wars, as it was called, a banner was hung in front of the home in the window for each son in the military. This banner had a blue star in the center of it. If the son was killed, a gold star was superimposed over the blue one.

This concept was created by Grace Seibold on Christmas Eve 1918 upon learning that her aviator son was killed in aerial combat in France. Ms. Seibold directed her grief and sorrow to helping the wounded in local D.C. hospitals and formed the Gold Star Mothers to give support for other such moms.

During World War II, my Grandmother Poe hung such a banner with a blue star in the front window of her home in the country. My dad went off to war when he was just 18. When my grandmother died, it was one of the few items she had saved. That banner never had to have a gold star placed on it because my dad returned safely. These banners have been carried throughout all of America's wars since World War I.

As a father of four, I can think of nothing worse than to lose one of my children. No parent wants their son or daughter killed in unknown foreign lands. No parent wants their child to predecease them and no parent wants their child to die in their youth. But it happens, and the grief can only be understood by other such parents.

Mothers are special, particularly the mothers of those who wear the American uniform. It seems to me the strongest bond in all of creation is the bond between a mother and her child. The good Lord made it that way on purpose, and when that bond is broken by the loss of a child, that wound just never heals.

One out of every ten people in the military is from the State of Texas. Roughly 10 percent of the total killed in Iraq and Afghanistan has been Texans. Yet sons and daughters throughout America, and especially Texas, continue to join our military knowing that they will no doubt go into the desert of the sun and the valley of the gun, and they leave behind their parents, their mothers.

So as we show honor and respect to America's children who serve, let us show American compassion and ultimate gratitude for the mothers of those troops who display the Blue and Gold Star sacrifice from their windows. And the next time we pass a house with one of these stars maybe we should stop and say a prayer and say ''thank you'' because of that special mother who gave that child for the rest of us.

And that's just the way it is.

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFHSORE DRILLING PLAN

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 6082) to officially replace, within the 60–day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes:

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 6082, the so-called ''Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan.'' This bill opens up nearly every last piece of our public lands to drilling, giving even more to Big Oil. The bill would require oil and gas leasing off the East Coast, from Maine to South Carolina, off of Southern California and in the important fishery of Bristol Bay off Alaska. It opens up California's coastline to oil and gas companies as early as 2013. If this bill were to become law, areas that have previously been deemed off limits to oil development by state governments would be put up for lease.

This bill also fails to secure safety reforms for offshore drilling, nor does it ensure that oil companies are paying their fair share to drill on public lands. The California Coastline is an international treasure and is one of the primary drivers of our state's economy. We must protect our coastlines and the vital ecosystems they embody. We cannot place it at risk of an oil spill or give it away to reckless, profit-seeking oil companies. We cannot and will not drill our way to energy independence. Continuing to make our cars more efficient, investing in clean and renewable energy, ending subsidies and tax breaks for the fossil fuel industry, and putting a price on carbon emissions is how we can obtain a secure and sustainable energy future.

I urge my colleagues to oppose this senseless and harmful legislation by joining me in voting ''no.''

IN RECOGNITION OF THE REOPENING OF ST. JAMES CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. James' Church, one of the 11

Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Barbara's, were to close. However, just months ago, the Vatican overruled this decision and St. James' will be reopening its doors on Wednesday, July 25, 2012.

St. James Church was founded in 1908 as the founding parish for the cities of Lakewood and Rocky River. For more than a century, St. James has been a house of worship and gathering for the Catholic residents of Lakewood, Ohio.

After Bishop Lennon's 2009 announcement parishioners gathered together and formed Friends of Saint James/Save Saint James in an effort to stop the closing of their church. The members of Friends of Saint James/Save Saint James are committed to the preservation of Saint James as a parish and an architecturally significant structure in the City of Lakewood. They have dedicated themselves to the development of a long range financial plan for capital improvements and maintenance of the church and its programs.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. James' Church, a beloved parish that has returned to the City of Lakewood.

HONORING DR. JOHN EVANS ATTA MILLS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. BROWN of Florida. Mr. Speaker, I rise today in remembrance of Dr. John Evans Atta Mills, President of the Republic of Ghana. I was saddened to hear about the untimely death of President Mills. My thoughts, prayers and condolences go to his wife, Ernestina Naadu, son, Samuel Kofi Atta Mills and the people of Ghana. The world has lost a leader, visionary and champion for democracy.

President Mills pledged his life to education and the betterment of his beloved Ghana. He was born in July 1944 in the Western Region of Ghana. He was a master student who began his schooling at the revered Achimota Secondary School in Accra. He later went on to earn his bachelors and law degrees from the University of Ghana at Legon in 1967. Upon the completion of his PhD in African and Oriental Studies from the University of London, President Mills was selected as a Fulbright Scholar at Stanford University School of Law.

After setting a strong foundation he returned home to educate and impart his lessons on the youth. President Mills dedicated nearly 25 years to higher academia as a professor in numerous areas such as law, tax and African studies. He was passionate about teaching and politics. First serving in the capacity of Vice President from 1997 through 2001, Dr. Mills was sworn in as President and Commander in Chief of the Republic of Ghana in January of 2009.

I join with President Obama and various world leaders as we remember President Mills, who was often referred to as a calm politician and gentle giant. In 2009, President Obama and the First Family traveled to Ghana in his first presidential visit to Sub-Saharan Africa. President Obama praised President Mills for making Ghana a "good news story" that had good democratic credentials. Under the leadership of President Mills, the United States and Ghana deepened our partnership in the promotion of good governance and economic development.

President John Evan Atta Mills is credited with leading Ghana through a period of stability and economic growth in the midst of unforeseen global circumstances. He is quoted as saying "Every leader has a period of service". Though his service has come to an unexpected end, as we reflect upon his life and legacy, we can appreciate his tireless efforts that have come to fruition. A shining star in West Africa, Ghana was and still remains a trailblazing nation for the region and continent, with its strong tradition of democracy. Epitomizing humility in leadership, President Mills was a calming and stabilizing force for not only his people but the continent as a whole.

HONORING MAYOR BETTY ANN MATTHIES

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. CUELLAR. Mr. Speaker, I rise today to recognize the retiring Mayor of the City of Seguin in Texas, Betty Ann Matthies. She was elected Mayor of the City of Seguin in 2004 and is ending her tenure in 2012. Her tireless efforts have improved the community and served to better the development and progress for the City of Seguin.

Mayor Matthies was born in Guadalupe County, Texas on September 23, 1934. She graduated from Seguin High School in 1953 and pursued her higher education degree at the University of Texas at Austin. Mayor Matthies graduated from Seton School of Nursing in Austin, Texas three years after graduating high school. As a registered nurse she was employed at the Nix Hospital for five years as an Operating Room Registered Nurse. By 1961, she moved to Seguin where she worked at the Guadalupe Valley Hospital until 2004—serving the patients and health care community for 41 years. As Director of Nursing, she was promoted to Associate Administrator by 1978, the same year she received her certificate in Health Care Administration from Trinity University in San Antonio.

By 2000, Matthies was elected to the Seguin City Council and re-elected for a four year term in 2002. After resigning from her council position she was elected as Mayor in 2004 and is currently on her second term in office, which expires in November 2012. I had the pleasure of working with the Mayor on various projects, such as securing over $850,000 in federal funding on landscape improvements throughout Seguin on Interstate Highway 10, US 90 and SH 123. The transportation improvement project started in 2009 and is nearly complete.

Along with helping the city in her work as Mayor, she was active in the community as serving on the Seguin Area Chamber of Commerce, Hispanic Chamber of Commerce and American Legion Auxiliary. She was also a member of the First United Methodist Church and Seguin Shakespeare Club. Mayor Matthies was married to her late husband C.H. Matthies Jr. in 1957 until his passing in 2000. C. Henry Matthies III, Elizabeth Kelly and Wesley Matthies are their children.

Mr. Speaker, I am honored to recognize Ms. Betty Ann Matthies, retiring Mayor of the City of Seguin. Her years of dedication and commitment to our community have truly impacted the quality of lives for the people of the city.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, on July 23, 2012, I was in California attending to family obligations. Had I been present, I would have voted as follows:

On rollcall vote No. 499, I would have voted "nay."

On rollcall vote No. 500, I would have voted "nay."

On rollcall vote No. 501, I would have voted "yea."

RECOGNIZING THE SERVICE OF CAPTAIN STANTON E. COPE IN THE UNITED STATES NAVY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. BURTON of Indiana. Mr. Speaker, I have the distinct privilege of rising to honor an outstanding Hoosier for his patriotism and military service. CAPT Stanton E. Cope served with honor in the United States Navy from 1989–2012, where he served in the Medical Service Corps as entomologist for 20 years.

Captain Stanton Elijah Cope was born January 5, 1954 in Huntington, Indiana. In 1976, he graduated from Swarthmore College in Pennsylvania with a B.A. degree in Biology and received a Master of Science degree in Entomology from the University of Delaware in 1981. In 1988, he completed his Doctorate in Public Health at the University of California, Los Angeles, and was commissioned in the United States Navy.

Captain Cope's first assignment, in 1989, was to the Navy Disease Vector Ecology and Control Center, Jacksonville, Florida, where he served as the Head of the Operations Department. In June 1992, he reported to the Naval Medical Research Unit No. 3, Cairo, Egypt, where he served as Head, Medical Zoology Division and Head, Risk Assessment Branch. In July 1994, Captain Cope reported to the Navy Environmental and Preventive Medicine Unit No. 6, Pearl Harbor, Hawaii, as Assistant Head, Department of Entomology and became Head in August 1995. He also served as Special Assistant to the Officer in Charge for Operational Issues. In August 1997, he reported to the Navy Environmental Health Center in Norfolk, Virginia as Entomology Department Head. In January 2000, he was selected to be Executive Assistant to the Assistant

Chief for Operational Medicine and Fleet Support, Bureau of Medicine and Surgery, Washington, DC. Captain Cope served as the Executive Officer, Naval Institute for Dental and Biomedical Research, Great Lakes, Illinois from September 2001–August 2004, at which time he fleeted up to Commanding Officer. He also served as the Surgeon General's Specialty Leader for Navy Entomology August 2002–May 2004. In August 2006, Captain Cope reported to the Armed Forces Pest Management Board as Research Liaison Officer. In August 2008 he took over as Director.

During his tenure as the Director, Captain Cope distinguished himself by superior service. He organized his workforce into three divisions: Operations, Research and Information Services, aligning the AFPMB to increase efficiency and enhance direct warfighter support. He was directly responsible for superior improvements to installation pest management and insect-borne disease prevention programs resulting in increased readiness and warfighter protection. During this period, he demonstrated the highest levels of leadership, initiative and dedication to duty. As a result, his leadership of DoD pest management received international recognition for contributions to the global public health community for their work on the President's Malaria Initiative (PMI).

Furthermore, in support of U.S. allies, Captain Cope reestablished liaison with North Atlantic Treaty Organization (NATO) counterparts to foster effective and efficient multi-national medical entomology, preventive medicine and pest management collaborations during contingency operations. Through NATO's Force Health Protection Working Group, he secured updates in the U.S. section to Standardization Agreement 2048, Chemical Methods of Insect and Rodent Control, which provided NATO members with information on pesticides that the U.S. may use during NATO operations.

Captain Cope's passion stayed with him after he left the service, as he maintains membership in the American Society of Tropical Medicine and Hygiene, the American Mosquito Control Association and the Society for Vector Ecology. He is currently serving as the Director of the AMCA, Mid-Atlantic Region and serves on the board of Armed Forces Pest Management in Silver Spring, MD. In addition, he has presented at meetings, authored or co-authored over 70 scientific publications and holds an Adjunct Assistant Professorship at the Uniformed Services University of the Health Sciences.

Captain Cope is married to infectious disease epidemiologist Amyanne N. Keswani of St. Peter, Minnesota. They have a daughter, Kemmer Keswani and a son, Stanton Elijah.

I ask all of my colleagues to join me now to thank Captain Stanton E. Cope for his service and sacrifices for our country.

13TH DISTRICT CONGRESSIONAL FIRE AND RESCUE AND EMS AWARDS (CFREA)

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. BUCHANAN. Mr. Speaker, I rise today to recognize fire and rescue and EMS personnel who have provided distinguished service to the people of Florida's 13th Congressional District.

As first responders, fire departments and emergency medical service teams are summoned on short notice to serve their respective communities. Oftentimes, they arrive at scenes of great adversity and trauma, to which they reliably bring strength and composure. These brave men and women spend hundreds of hours in training so that they are prepared when they get 'the call.'

This year, I established the 13th District Congressional Fire and Rescue and EMS Awards to honor officers, departments, and units for outstanding achievement.

On behalf of the people of Florida's 13th District, it is my privilege to congratulate the following winners, who were selected by an independent committee comprised of a cross section of current and retired fire and rescue personnel living in the district.

Lieutenant Timothy Geer of the Bradenton Fire Department received the Career Service Award.

The Englewood Area Fire Control District received the Community Safety Awareness Campaign Award.

Captain Tom Sousa of the West Manatee Fire Rescue District received the Career Service Award.

Training Officer Timothy Hyden of the East Manatee Fire Rescue District received the Career Service Award.

Firefighter Deborah Schuster of the Sarasota County Fire Department posthumously received the Dedication and Professionalism Award.

I offer my sincerest appreciation for the service and dedication of these exceptional individuals. I thank the fire departments that made such worthy nominations and the panel that reviewed them.

These awards truly are a necessary reminder of the men and women who risk their safety on a daily basis, bound to their duty to ensure our own.

PERSONAL EXPLANATION

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. SMITH of Washington. Mr. Speaker, on Monday, July 23 and Tuesday, July 24, 2012, I was unable to be present for recorded votes. Had I been present, I would have voted:

"No" on vote No. 499 (on the motion to suspend the rules and pass H.R. 2362, as amended);

"No" on vote No. 500 (on the motion to suspend the rules and pass S. 2039);

"Aye" on vote No. 501 (on the motion to suspend the rules and pass H.R. 3477);

"No" on vote No. 502 (on ordering the previous question on H. Res. 738); and

"No" on vote No. 503 (on agreeing to the resolution H. Res. 738).

HONORING UNITED STATES MARINE CAPTAINS MARK SILVERS AND SEAN GOBIN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor U.S. Marine Captains Mark Silvers and Sean Gobin for their tremendous efforts on behalf of our nation's wounded warriors.

Everyday our men and women in uniform place themselves at great personal risk in order to defend our nation's freedom and security. Captain Silvers and Captain Gobin are two such heroes who decided to continue serving their fellow soldiers after their tours had ended. Moved by the number of service members returning home from Iraq and Afghanistan with debilitating injuries, the two men pledged their efforts to improve the lives of our nation's wounded warriors.

On March 15, 2012, Captain Silvers and Captain Gobin commenced a 2,180 mile hike of the Appalachian Trail to raise funds and awareness of the debilitating injuries our soldiers have suffered while in service to our country. Their journey will come to an end next week at the summit of Mount Katahdin in Baxter State Park. As they travelled through 14 states, Captain Silvers and Gobin have hosted a number of fundraisers at separate VFW posts on behalf of Operation Military Embrace; a nonprofit that advocates on behalf of wounded servicemembers. All of the proceeds from these events will be used to purchase adaptive vehicles for veterans who have sustained multiple amputations in the course of their service in Iraq or Afghanistan.

These men have set a remarkable example for what it means to serve our country. Operation Military Embrace and Warrior Hike remind us all of our enduring responsibility to honor and care for those who have sacrificed so much in defense of our freedom. As the Ranking Member on the Health Subcommittee of the House Committee on Veterans' Affairs, I am pleased to join the chorus of congratulations celebrating the completion of these men's impressive journey.

Mr. Speaker, please join me in recognizing Captain Silvers and Captain Gobin on achieving so much on behalf of our wounded veterans.

INTRODUCTION SAFETY AND FRAUD ENFORCEMENT FOR SEAFOOD ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MARKEY. Mr. Speaker, in my home state of Massachusetts, commercial fishermen take pride in the product they bring to the dock. Whether they harvest cod, lobster, or scallops, these hardworking Americans provide consumers with superior quality seafood. Unfortunately, getting a fair price for this seafood has become a challenge. Competition from low quality imported fish and shellfish drives down prices, especially when these imports are passed off on consumers as higher value species.

Unfortunately, this occurs far too frequently. Last fall, an investigation by the Boston Globe found that 48 percent of the seafood it sampled from grocery stores and restaurants in the Boston area was not the species that was advertised. Subsequent investigations in Los Angeles and Miami this year produced similar results. These shocking revelations of seafood fraud have exposed a severe shortcoming in the ability of our nation to ensure the integrity of seafood products offered for sale, especially the 85 percent of those products that come from abroad.

In addition to problems with seafood fraud uncovered by these recent reports, the U.S. Government Accountability Office (GAO) reported last year that we are doing a terrible job ensuring that seafood imported into this country is safe for people to consume. GAO found that the U.S. Food and Drug Administration (FDA), which is responsible for ensuring seafood safety, inspects only 2 percent of seafood shipments, and that failure to coordinate with the National Oceanic and Atmospheric Administration's (NOAA) Seafood Inspection Service has led to hundreds of redundant inspections. This unnecessary duplication of effort is unacceptable, especially as difficult fiscal circumstances have squeezed the budgets of both agencies.

The Safety And Fraud Enforcement for Seafood Act, or SAFE Seafood Act—which I am introducing today along with Mr. FRANK and Mr. KEATING of Massachusetts, Mr. JONES of North Carolina, and Mr. COURTNEY of Connecticut—addresses the seafood safety problem by ensuring that FDA and NOAA work together to maximize the frequency and effectiveness of seafood inspections, and to prevent unsafe seafood from entering the United States. In addition, it combats seafood fraud by requiring that information such as harvest location, production method, and species name of the seafood stays with that product from sea to sale. The SAFE Seafood Act accomplishes these goals by holding violators accountable with fines and import restrictions if they don't play by the rules.

American consumers have an expectation that the seafood they buy for their families is, in fact, the seafood that is advertised, and that it is safe for them to eat. Similarly, American fishermen, who comply with the most rigorous conservation and quality control standards anywhere in the world, should know they are competing on a level playing field, and not being undercut by an inferior foreign product. Fraudulent and unsafe seafood takes money from consumers and puts their health at risk. The SAFE Seafood Act is an important step toward reducing seafood fraud and increasing seafood safety. We owe it to American families and fishermen to address these problems immediately.

PUBLIC BROADCASTING FUNDING

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. YOUNG of Alaska. Mr. Speaker, I understand that these are tough budget times and we have to make a lot of cuts if we're going to balance the budget. However, I also believe that we have to make every possible effort to retain adequate levels of funding for public broadcasting.

This March, I signed letters to two Appropriations Subcommittees in an attempt to protect funding for public broadcasting. For decades, the Corporation for Public Broadcasting (CPB) has aired educational programs and helped our children to learn to read, to understand basic math, and to engage in the study of science. It would be a shame to deny the next generation beneficial programs like Reading Rainbow, Sesame Street, and Bill Nye the Science Guy because of budget problems.

Public broadcasting is more than education though. Even as newspapers are sputtering, trying to compete with the internet, 38 million people still listen to National Public Radio (NPR) every week. In Alaska, many communities rely on public broadcasting. The majority of our state can be described as remote and many Alaskans get their news exclusively from a single radio or television station. Fourteen stations, nearly half of those in Alaska, are critically dependent on federal funding and would likely close their doors if they lost that money. This would effectively strand numerous Alaskan communities, leaving them cut off from any form of news or even emergency communications.

I support the Corporation for Public Broadcasting, National Public Radio, and the Public Telecommunications Facilities Program. Funding these programs is not just good for the country, it is vital.

THE TRUE COST OF COAL ACT OF 2012

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. MCDERMOTT. Mr. Speaker, I rise today to introduce the True Cost of Coal Act of 2012 that protects the American taxpayer from bearing the costs of transporting coal for private companies to sell. If you were to listen to the coal companies, you would hear them decry the decline in domestic coal consumption. And while it is true that our domestic appetite for coal is waning, much of the rest of the world is still hungry for it.

U.S. coal producers and suppliers are considering the construction of up to 9 coal export terminals in Washington and Oregon. These terminals will have a combined annual export capacity of 170 million tons of coal. To put this in perspective, the U.S. exported just 26 million tons of coal in 2011. This sharp increase in coal exports will be transported primarily through Oregon and my home State of Washington. Without question, this staggering increase will have serious implications on the Northwest's environment, safety, commerce, and public health.

But what does it take to ship 170 million tons of coal through the Pacific Northwest annually? We're talking about a 1.5 mile long train packed with coal travelling thousands of times a year next to pristine waterfronts and through cities along the Puget Sound—each train spewing up to 500 pounds of toxic coal dust into the environment while increasing traffic on already congested rail tracks. These trains will run straight through the heart of my district, the city of Seattle, wreaking havoc on people's health, the environment, commerce and shipping, and traffic. All of these costs will be endured for the sake of transporting coal that we get no benefit from.

And who will pay for this added cost? Without legislation like this, the taxpayers will pay the costs of mitigating the negative impacts of coal. As traffic increases, and public health risks are exacerbated, coal companies will continue to reap the profits of cheap coal, mined from public lands, and remain largely free from responsibility for any of the negative impacts. This means that States and local governments will need to raise taxes to pay for the additional crossings, the environmental cleanup, and increased health costs. It is time we opened our eyes to the true cost of coal.

This legislation would impose a 10 dollar per ton excise tax on all extracted coal. This money will go to mitigating the negative impacts of coal transportation, and ensure the true cost of coal is paid for by the responsible parties, and not the taxpayers. The money is allocated to the affected States, who are in the best position to determine how best to use their funds.

Make no mistake, these coal exports are not about jobs, they are about profits. The U.S. Energy Information Agency (EIA) estimates that it costs about $20 per ton to ship coal mined from the Powder River Basin to the Pacific Northwest. The EIA also has data that shows the average price per ton of coal exports is $148 per ton. I cannot emphasize enough that none of the profits will go to helping the affected communities.

It's time we shine a light on the true cost of coal and protect the American taxpayer from the negative impacts of transporting coal through our States. I have dedicated my career to keeping Washington and the Northwest a place where the environment, public health and efficient transportation do not get trumped by narrow interests. In 1980, I led the successful "Don't Waste Washington" initiative, to keep Washington from becoming the country's nuclear waste dumping ground, and 30 years later I remain just as committed to keeping it that way.

IN REMEMBRANCE OF WILLIAM A. SILVERMAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of publicist, William A. Silverman.

Born in Toledo, Ohio, Bill was the son of an editor at the Cleveland News. Upon graduating from Centre College of Kentucky and the University of Madrid, he wrote for the Army's Stars and Stripes publication during the Korean War. He also spent five years covering the police beat, and worked for several different public relations firms before opening his own firm, Silverman and Co.

In the 1960s, Bill worked on the mayoral campaigns of Ralph Perk and Seth Taft; his work on Taft's campaign earned him a public relations position with Mayor Stokes and a grant from the nonprofit Greater Cleveland Associated Foundation. Soon after beginning work with Stokes, Silverman opened the Silverman and Co. public relations firm in downtown Cleveland, OH. Together with Stokes, he

helped pass a clean water bond issue, and created Cleveland: NOW!

Throughout the years, Silverman and Co. grew and opened branches in Toledo, Columbus, and Charleston, West Virginia. By 1996, the PR firm was the third largest in the region and ranked 40th in the country. Throughout Silverman's career, some of his clients included Blue Cross; Don King; BBC Industries; Mayor George Voinovich; and Democratic Council President George Forbes. After more than 30 years in business, Bill retired and the firm closed in 1997 and 1998 respectively.

I offer my condolences to his wife, Sandy; children, Alexander, Beth Ann, Frances, William, Jeffrey, and Jenny; and sixteen grandchildren.

Mr. Speaker and colleagues, please join me in honoring the life and accomplishments of Mr. William A. Silverman.

IN RECOGNITION OF ARETHA THURMOND PARTICIPATING IN THE 2012 OLYMPICS

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Aretha Thurmond. Aretha will participate in the 2012 Olympics in London.

Thurmond, of Opelika, Alabama, qualified for her fourth Olympic team, becoming 16th U.S. woman to do so. Aretha is known as one of the most consistent American throwers over the past decade.

In 2007, she returned to compete only 18 days after giving birth to her son, Devon Theoppolis. Thurmond will be participating in the 2012 London Olympics discus throw.

Mr. Speaker, I offer my congratulations to Aretha and best wishes in the Olympics.

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

SPEECH OF

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes:

Mr. YOUNG of Florida. Mr. Chair, I rise today to express my continued support for the restrictions placed on oil and gas leasing in the Eastern Gulf of Mexico under the Gulf of Mexico Energy Security Act of 2006. I am pleased that H.R. 6082 continues this moratorium and recognizes an area not only critical to the protection of Florida's beautiful beaches and unique environment but to the training of our nation's sailors, Marines and pilots who conduct training exercises there on a regular basis.

As you know, I have been working on the issue of drilling in the Eastern Gulf of Mexico since 1983, when the oil industry proposed drilling off the Gulf Coast of Florida. That year, I offered an amendment to a 1983 supplemental appropriations bill to create the first buffer zone to protect Florida's Gulf Coast from offshore oil drilling. Congress did not implement this buffer zone only to protect the economic or environmental interests of the State of Florida; rather we also recognized the potential conflict that exists between drilling and naval and aviation military activities.

The importance of this area to our military training was affirmed in 2000, when the Department of Defense requested that no above-surface structures be built in the Eastern Gulf of Mexico, officially establishing the Military Mission Line within which no drilling can occur. This decision proved timely when the Air Force and Army were forced to end training exercises in Vieques, Puerto Rico and had to find a new site to undertake these specialized training activities. The Eastern Gulf of Mexico was the only site available where this training could continue because this naval and aviation training is incompatible with drilling platforms and drilling ships.

Since the first amendment in 1983, I negotiated with my colleagues to include this moratorium in appropriations bills year after year, until a bipartisan compromise was reached in 2006 that balanced increased domestic energy production with the critical military activities conducted in the Eastern Gulf of Mexico. This carefully crafted agreement opened 8.3 million acres south of the Florida Panhandle to drilling, an area previously under a ban, while barring new oil and gas leases off Florida's coastline until June 30, 2022, and codifying the ban on drilling within the Military Mission Line.

Prior to the enactment of the current moratorium, then Secretary of Defense Donald Rumsfeld stated that "in those areas east of the Military Mission Line, drilling structures and associated development would be incompatible with military activities, such as missile flights, low-flying drone aircraft, weapons testing and training." By maintaining the drilling ban in the Eastern Gulf of Mexico, H.R. 6082 continues to protect an area that holds the U.S. military's largest training and testing area.

Mr. Chair, I am pleased to support this measure that will responsibly increase our domestic oil production while maintaining the important protections against drilling in the Eastern Gulf of Mexico, in order to ensure that our military readiness and training capabilities are not compromised.

PRESIDENT OBAMA'S PROPOSED OFFSHORE DRILLING LEASE SALE PLAN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. McDERMOTT. Mr. Speaker, I rise today to discuss today's vote on the bill to approve and implement the Obama administration's offshore drilling plan. Holding this vote today was a political stunt by the Republican majority—nothing more. No committees have reviewed the plan, and it was brought to the floor without any consideration.

The Obama Administration's plan would supplant the Bush Administration's plan which is currently in place and I voted for the bill today, not wanting to play political games with our environment. Despite any reservations I have with the details of the Obama Administration's plan, the current administration correctly excluded lease sales in the Atlantic, Pacific or North Aleutian Basin. The Republicans offered an alternative plan that would, without question, cause significant harm to the environment. Voting yes today on this better package was the right thing to do.

Protecting our environment is not a game. Today I voted to move us forward from the terrible environmental policies of the previous administration, and I will continue to advocate and vote for stronger environmental protections.

RECOGNITION OF THE FIRST LADY'S VISIT TO BIRMINGHAM, AL ON WEDNESDAY JULY 18, 2012

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. SEWELL. Mr. Speaker, I rise today in recognition of the visit by First Lady Michelle Obama to Camp Noah at the McAlpine Recreation Center in Birmingham, Alabama on Wednesday July 18, 2012.

I wish to express my heartfelt appreciation and gratitude to my dear friend and our First Lady, Michelle Obama, who traveled a long way last week to honor her commitment to return to Alabama to see our recovery efforts from the devastating tornadoes of April 27, 2011. President Obama and the First Lady visited Alabama two days after the storms to witness first-hand the destruction. They promised federal assistance and that we would not be forgotten. On July 18, 2012, the First Lady held true to her promise to return to Alabama to see our recovery and rebuilding progress.

We will never forget the tremendous losses suffered by the April tornadoes which claimed the lives of 253 Alabamians. Yet out of that devastation, we found hope and showed great resilience in working together to rebuild our communities. The First Lady's visit gave us the opportunity to show our progress as she witnessed the healing spirit of the children affected by the tornadoes.

During her visit to Birmingham, First Lady Michelle Obama surprised a crowd of nearly 100 kids, grades first through sixth, at McAlpine Recreation Center participating in Camp Noah. The summer camp is sponsored by Ascension Lutheran Church in Huntsville, AL and is part of a national project designed to help kids heal from their disaster experience through music, life-skill training and arts and crafts.

The First Lady greeted the children with a smile and words of encouragement. She graciously took the time to hug each and every one of the children. The kids' excitement and joy when the First Lady entered the room was

exhilarating. Their expressions and comments said it all. Kiara Cherry remarked, "Oh my God! The First Lady is at the McAlpine—I am so excited!" She added that meeting the First Lady was on her list of things to do before she turned 15 and now she could check it off her list. Devonte Harris, 12, of Forestdale, agreed, saying, "I'm just really happy right now." Lastly, Rakya Holmes, 8, whose godmother's home was destroyed in the storms, noted "She smelled good, and I love her." These reactions by the children at Camp Noah expressed our sheer excitement and gratitude to the First Lady. The faces of the children were priceless. The First Lady's visit was a life-changing event for the kids and a morale boost for our community.

It takes tremendous coordination, hard work and organization to make a visit by the First Lady of the United States a reality. The fact that our First Lady Michelle Obama would take the time to visit with us in a tornado affected community in Birmingham is a real testament to her dedication and commitment to helping us overcome this disaster.

I want to commend the City of Birmingham, the extraordinary staff of McAlpine Recreation Center and Camp Noah, as well as UAB's MHRC Healthy Happy Kids program for making the First Lady's visit a huge success. As the Representative of the 7th Congressional District of Alabama, I was extremely proud of all of the efforts made by our community working together to leave a lasting impression on the First Lady. The excitement and joy on the children's faces at Camp Noah made it all worthwhile. Thank you First Lady Michelle Obama!

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes:

Ms. HIRONO. Mr. Chair, I oppose H.R. 6082, the Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan.

This is the current Majority's 12th giveaway for Big Oil in the last 18 months. I've consistently opposed these prior 11 measures on the House floor. The Senate has failed to pass any of the prior bills, and President Obama has consistently stated his intention to veto those measures.

The majority claims that this bill is about lowering energy prices and creating jobs.

Let's be clear—this is a bill against President Obama's offshore drilling plan.

Today, more than 75 percent of the offshore oil and gas resources are available for drilling under that plan. We have 50 percent more floating drilling rigs operating in the Gulf of Mexico than we did prior to the BP spill and have more total rigs operating in the United States than does the rest of the world combined. Domestic oil production is at an 18 year high and oil and gas companies continue to enjoy substantial profits—all on top of tax breaks totaling over $4 billion per year. In addition, this year the U.S. became a net exporter of oil for the first time since 1949.

My home state of Hawaii relies on imported oil from both foreign and U.S. sources for 90 percent of our primary energy. We use oil to generate our electricity and to fuel our vehicles. We also pay three times the average price that the mainland pays for that electricity and our gas prices are constantly the highest in the nation—despite all of the drilling that is currently happening.

That's why this attack on President Obama's comprehensive approach to energy—producing more oil and boosting clean energy—is especially troubling.

It's also troubling that the majority seem to be consciously ignoring key safety recommendations and preventing proper environmental reviews.

We all remember April 20, 2010. That is the date that the Deepwater Horizon oil rig exploded. This accident killed 11 crew members and injured numerous others. Over 4 million barrels of oil gushed into the Gulf of Mexico, and the spill could not be contained for almost 3 months.

In response President Obama created the bipartisan National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The commission concluded that if more effective oversight of safety and environmental protection had been conducted—by both the government and the industry itself—the disaster could have been avoided. The commission then made a series of recommendations to prevent another spill from occurring.

Representative MARKEY introduced these recommendations as legislation in January of 2011. I'm proud to be a cosponsor of this bill, H.R. 501. However, I'm disappointed that there has not even been a committee hearing on this important legislation.

That's not all. On July 24, 2012, the U.S. Chemical Safety Board released a report which found that at the time of the 2010 Deepwater Horizon blowout, BP and other companies involved in that accident had failed to implement safety recommendations made by the Board in 2007.

The 2007 recommendations stemmed from the investigation of a March 2005 explosion at BP's Texas City Refinery.

These are real disasters with real consequences for workers and communities.

At the same time, the facts and record are clear: These disasters are preventable and Congress can and should do something to address them.

The bill also undermines a series of laws intended to ensure that we are good stewards of our natural resources—including the National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, and Clean Water Act. Ensuring compliance with these laws protects public health, communities, and the environment. These environmental reviews are also necessary to avoid costly and time-consuming litigation for all parties.

More than that, this is a matter of ensuring that the resources we have can be utilized responsibly to support jobs and economic growth in industries other than drilling, like tourism for example.

The bill also opens huge areas on the East Coast, stretching from Maine to South Carolina, off of Southern California, in the Alaska Arctic and in the area around the important fishery of Bristol Bay off Alaska. Opening these areas ignores concerns raised by nearly every stakeholder other than oil and gas companies.

These include significant issues raised by states and local communities, concerns about important fishing areas, and even concerns raised by our military will go unheeded if this bill were to become law.

Finally, H.R. 6082 would require that the Department of Interior conduct a single multi-sale Environmental Impact Statement (EIS) for the Atlantic, Pacific and Bristol Bay. Combined EIS documents are usually done for lease sales in areas where the conditions are well known and similar. However, these are three wildly different environments that merit their own considerations.

Just to be clear, those who stand to lose under this bill include: states, localities, fisherman, the military, average citizens and small businesses that currently rely on these areas for recreation, tourism, and other purposes.

The winners under this bill: the oil and gas drilling industry.

Hawaii is a case study for why we must end our reliance on fossil fuels and work harder to support the development of a broad range of clean, renewable, locally-produced fuels. Drilling more won't decrease the global competition for oil, and it won't do anything to reduce energy prices in the long-term. High energy prices act as a tax on all of us and an anchor on our economy, so if we are truly going to have the most competitive economy in the 21st century we need to develop affordable alternatives. Developing these alternatives will give the U.S. the upper hand both in terms of costs to our economy, and in developing new industries that can create jobs for the next century.

Instead, the bill before us keeps us on the same path of dependence we've been on. This bill is a failure for our economy in the long term, fails to address the safety reforms for offshore drilling that numerous experts have advocated for, and seeks to give oil companies another windfall without ensuring that they are paying their fair share to drill on public lands.

I urge my colleagues to oppose this terribly shortsighted and ill-advised legislation.

SUPPORTING A MOMENT OF SILENCE DURING THE 2012 OLYMPIC OPENING DAY TO COMMEMORATE THOSE KILLED IN THE MUNICH MASSACRE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. RANGEL. Mr. Speaker, I rise in support of Amb. Ido Aharoni, Consul General of Israel

in New York, who will meet with New York City's Jewish and other community leaders and elected officials on Friday morning to honor the 11 Israeli Olympians who were killed by a terrorist group during the 1972 Munich games.

As the new Olympians march in the opening ceremonies of the 2012 games, these community groups and elected leaders will gather together for their own minute of silence, hearing the firsthand account of 1972 Israeli Olympian Avi Melamed. The Munich Massacre, as it has come to be known, occurred during the 1972 Summer Olympics in Munich, Bavaria in southern West Germany, when members of the Israeli Olympic team were taken hostage and eventually killed by the Palestinian terrorist group Black September. Eleven Israeli athletes and coaches and a West German police officer were killed.

On this 40th anniversary of the horrendous act of terror, we are not only reminded of the importance of our special relationship with Israel but also of the existence of evil in this world.

Recently, we witnessed another terrorist attack on an Israeli tour bus in Bulgaria that left at least 7 dead and more than 20 wounded. These kinds of attacks against innocent people are horrifying and reprehensible. Such violence targeting people for their ethnicity, nationality or religion has absolutely no place in our world.

Whenever and wherever we witness the taking of innocent lives for whatever reason, the voices of the concerned people must be heard. While terrorist attacks on the people of Israel were once viewed as a regional problem, today we know that the entire world is no longer safe from the warped minds of those who have no regard for the lives of children and people who do no harm. We must fight against those who choose to recklessly use the fear of terrorism against innocent victims to achieve their own evil political objectives. We must remain vigilant and outspoken.

So I join the New York community this Friday as we come together to condemn such acts of terrorism and to commemorate the 40th anniversary of the massacre in Munich. Whether or not the International Olympic Committee agrees to pay tribute to the fallen, we will observe a moment of silence to pray for the victims and their loved ones.

38TH YEAR COMMEMORATION OF INVASION AND OCCUPATION OF CYPRUS

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. SARBANES. Mr. Speaker, I rise today to mark the 38th year of Turkey's invasion, occupation and colonization of the Republic of Cyprus.

On July 1, Cyprus assumed the six-month presidency of the European Union. Turkey, an EU candidate country, refuses to recognize the Cypriot presidency and has acted to ''freeze'' its communications with the EU. While Turkey refuses to recognize Cyprus, the international community has repeatedly called upon Turkey to withdraw from its occupation of the island republic.

In 1974, Turkey invaded the island citing its purported authority to intervene under the Treaty of Guarantee, a treaty meant to guarantee the independence, sovereignty, constitution and territorial integrity of Cyprus. Turkey asserts that the Constitution of Cyprus is ''null and void,'' yet it justifies its invasion and decades' long occupation of Cyprus upon the Treaty of Guarantee, a treaty which obligates Turkey as a guarantor power to uphold the Cypriot Constitution and preserve the country's independence and territorial integrity.

During Turkey's 38 year occupation of the northern third of Cyprus, it has engaged in the systematic destruction of the island's Hellenic, Christian and Turkish Cypriot heritage. Turkey is extinguishing the voice of the Turkish Cypriots, the community that co-existed with Greek-Cypriots for nearly 500 years until Turkey invaded and forcibly divided the two communities. Turkey's treatment of the indigenous peoples of Cyprus betrays a broader impulse which is manifest in discrimination against Christian and other minorities in territories under its control. Turkey's conduct is so egregious that this year the U.S. Commission on International Religious Freedom designated it as ''a country of particular concern.''

Turkey, a nation of nearly 80 million people, has with each passing day altered the cultural heritage and demographics of Cyprus, a country of 1 million people. In 1974, Greek Cypriots numbered 506,000 and Turkish Cypriots numbered 118,000. Since then, Turkey has engaged in a radical alteration of the island's demographics. Turkey has resettled nearly 200,000 mainland Turks and garrisoned 45,000 Turkish soldiers in the occupied areas. Turkey's forced colonization of the occupied areas is eradicating the native Turkish Cypriot community and supplanting it with a Turkish community whose culture and national consciousness is foreign to the indigenous and unique Greco-Turkish culture of Cyprus.

The presence of Turkish troops is justified by the pretext that Turkey is protecting Turkish Cypriots. Yet 58,000 Turkish Cypriots voluntarily carry Republic of Cyprus passports, Turkish Cypriots utilize health care facilities and other services in the Republic of Cyprus, and more than 18 million crossings over the green line have occurred without incident. The reality is that each Jay Turkish Cypriots are forced by the presence of 45,000 Turkish troops to idly watch as their culture and identity is overtaken by mainland Turkish colonialists.

Recent discoveries of natural gas off the coasts of Cyprus and Israel have seen these two democracies engage in a cooperative and productive manner for the development of the only Western, democratically controlled energy source in the region. Where Israel and Cyprus have conducted themselves as peaceful democracies, Turkey is using its presence in occupied Cyprus to challenge Israeli interests in the region. It was not so long ago that Turkey held itself out as an ally of Israel.

Cyprus is the canvas that reveals the true face of Turkey—occupier, colonizer and foe of Western democratic values. It is time for this Chamber and the United States to stand with the people of Cyprus and demand that Turkey withdraw its troops and ''cease and desist'' from its unlawful colonization of this small and peaceful country.

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes:

Mrs. MALONEY. Mr. Chair, while the American people are asking Congress to help create jobs and stabilize the economy, the House Majority would rather spend valuable time on handouts to big oil and gas. For the 11th time this Congress, Members are being asked to support giveaways to big producers and polluters. It is ironic that this bill is being debated at the same time the U.S. Chemical Safety Board released its report that the Deepwater Horizon disaster was caused by a lack of adherence to safety guidelines. Instead of thoughtful efforts to ensure health and safety of workers and the public, as well as the protection of the environment, H.R. 6082 ignores any lessons from that tragedy while opening huge portions of our coasts to drilling. In addition, as someone who has fought to make sure the American taxpayer is properly compensated for energy resources extracted from federally leased lands, I am disturbed that this bill would not ensure oil companies pay their fair share for drilling on public lands. This bill does nothing to help our country build a strong energy future or get Americans back to work. I urge my colleagues to vote ''no.''

HONORING THE LEADERSHIP ALLIANCE ON ITS 20TH ANNIVERSARY

HON. MAZIE K. HIRONO.

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. HIRONO. Mr. Speaker, today I commemorate the 20th anniversary of the Leadership Alliance. The Leadership Alliance, established in 1992, is a national academic consortium of leading research universities and minority serving institutions with the mission to develop underrepresented students into outstanding leaders and role models in academia, business, and the public sector.

Through an organized program of research, networking and mentorship at various critical transitions alont the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars from underrepresented and underserved populations for

graduate training and professional apprenticeships. Leadership Alliance faculty mentors provide high quality, cutting-edge research experiences in all academic disciplines at the nation's most competitive graduate training institutions and share insights into the nature of academic careers.

Chaminade University, located in Honolulu, Oahu, has been a member institution of the Leadership Alliance since 2007. In the past five years, 16 students have participated in the Summer Research Early Identification Program—performing research at Brown, Harvard, Tufts, Yale, and other universities.

Nearly 70 percent of Leadership Alliance early identification students enroll into a graduate level program and, of that 70 percent, 25 percent enroll into PhD programs. Chaminade students have had transformative summer research experiences, encouraging their pursuit of graduate degrees, particularly in the fields of science, technology, engineering, and math (STEM).

One Chaminade student, Natasha Flores, was able to do research at Yale University. Since graduating, she has conducted cancer research at the National Cancer Institute and has just completed her second year in a Cancer Biology Ph.D. Program at Stanford University. Joseph Tillotson, a 2011 Chaminade graduate, completed two summers of research through the Leadership Alliance and will be beginning Ph.D. studies in Pharmacology and Toxicology at the University of Arizona this fall.

Leadership Alliance Doctoral Scholars are diversifying the academy at research-intensive institutions and are engaging in career positions in government and industry.

Congratulations to the Leadership Alliance on two decades of committed service to supporting a diverse and competitive research and scholarly workforce in the United States.

HONORING MRS. GLORIA LANGSTON OF ROCHESTER, NEW YORK

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. SLAUGHTER. Mr. Speaker, today I rise to honor a constituent in my district who, along with her late husband and family, has made a positive impact in the Rochester, New York area. I am profoundly appreciative of this monumental opportunity to pay homage to Mrs. Gloria Langston.

In July 1960, Mrs. Langston, along with her now-deceased husband, Andrew, relocated from the State of Georgia to Rochester, New York. From the time Gloria and Andrew Langston arrived in Rochester until today, the Langston family has made positive and substantial contributions to the Rochester area.

Among their many extraordinary contributions, perhaps one of their most transformational is the establishment of the Monroe County Broadcasting Company and the subsequent birth of WDKX–FM radio station. WDKX is named in honor of Frederick Douglass, Martin Luther King, Jr. and Malcolm X, and the Monroe County Broadcasting Company was the first ever African American corporation to apply for a frequency with the Federal Communications Commission.

WDKX–FM began its service to the Rochester community on April 6, 1974, and today—38 years later—the station continues its service to our community, 24 hours a day and seven days a week. It is the only independently owned and operated commercial radio station in Rochester, New York.

Gloria Langston has an unwavering commitment to uplifting and enhancing the Rochester community, and she exudes a deep sense of community awareness and pride. These admirable characteristics are reflected in the management and staff of WDKX–FM radio. The station is far more than a source of entertainment. It is an invaluable community partner; one that promotes philanthropy for good causes, provides information to enhance health and wellness and provides platforms and opportunities for Rochester area residents to learn about important community activities and initiatives that improve our quality of life.

Because of the countless contributions Mrs. Gloria Langston has brought to Rochester, it is my great pleasure to salute her today. It can be truthfully said that Rochester, New York is a better place because Gloria Langston has walked among us.

100TH ANNIVERSARY OF IBEW LOCAL 110

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the 100th anniversary of the International Brotherhood of Electrical Workers (IBEW) Local Union 110 in Saint Paul, Minnesota, and the hundreds of working families the union represents.

IBEW Local 110 has earned an honored place in the Minnesota labor tradition. From the earliest days of the union, even before its formal charter on July 29, 1912, Minnesota electrical workers began banding together to form an organization that would help protect workers and their families. These efforts provided a voice for workers and began the roots of a new local union.

Membership in the new Local 110 proved valuable for workers and their families. The union set a standard for all workers in our state and provided much needed resources for safety, skills training, fair wages and retirement security. This support became even stronger through Local 110's decision to affiliate with the allied unions of the Saint Paul Building Trades Council.

Times were at once exciting and challenging for early Minnesota electrical workers. From 1910 to 1913, sixty of their fellow brothers died due to illness and accidents caused by frequently dangerous work environments. In order to combat the alarmingly high number of deaths within the industry, Local 110 began its first apprenticeship program to educate its members, and made sure that they were properly protected in the field. During June of 1913, the first test for those members that worked with electricity was held, and all members were required to take the examination. Through the efforts of the local union, every member passed the test.

International Brotherhood of Electrical Workers Local 110 has always made sure their members were given the highest standard of care and consideration. Today, this band of brothers now includes sisters too. Local 110 has grown to represent 2100 members in 13 counties of Minnesota. The union remains focused on creating positive relationships between workers and their employees as well as elevating the standards within the industry.

Mr. Speaker, I am pleased to submit this extension of remarks to honor the members and families of the International Brotherhood of Electrical Workers Local Union 110 on the occasion of the 100th anniversary of this proud union.

PERSONAL EXPLANATION

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mr. PETERS. On Monday, July 23, 2012 I unfortunately missed two votes due to a delay in my flight to Washington, DC. Had I been present I would have opposed both bills.

H.R. 2362, the Indian Tribal Trade and Investment Demonstration Project Act of 2011 benefits one particular country, and is redundant to H.R. 205 the HEARTH Act which has passed both the House and Senate and is waiting to be signed by the President. S. 2039 would undermine an important policy in place to protect federal taxpayer dollars and prevent wasteful spending. While I was not able to cast my vote against these bills, had I been present I would have voted "no." I was happy to see that both were defeated.

INTRODUCTION OF THE GIVE WORKPLACE GENDER VIOLENCE VICTIMS THEIR DAY IN COURT ACT OF 2012

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 25, 2012

Mrs. MALONEY. Mr. Speaker, when at work, most employees feel safe from violent behavior; however, violence in the workplace is not uncommon. The Bureau of Justice Statistics estimates that in 2008, 12,633 rapes and sexual assaults occurred while U.S. employees were working or on duty. When sexual violence happens at the workplace, women are often traumatized again when learning that the remedy is workers compensation. This downgrades the crime to an 'on-the-job occurrence' and prevents victims from suing employers when the crime occurred due to lack of safeguards and protections by employers.

Workers compensation systems were designed to create accident-free workplaces and allow employees hurt on the job to receive payment for medical expenses and lost wages. Using workers compensation as a way for employers to avoid lawsuits stemming from their own negligence is offensive to victims of this terrible crime. When sexual violence occurs on the job, employers should not be allowed to hide behind a system intended to compensate for job-related accidents. This is why I am reintroducing the Give Workplace

Gender Violence Victims Their Day in Court Act, which will prevent employers from invoking workers compensation when employer negligence results in the sexual assault and rape of an employee. This bill will help empower victims of workplace sexual assault to have their day in court instead of being subject to the exclusive remedy of workers compensation.

Rape is not an accident and should never be regarded as an everyday, regular occurrence on the job. This legislation will enable victims and encourage employers to create a work environment free of sexual violence and send the message, loud and clear, that rape is not all in a day's work.

FEDERAL RESERVE TRANSPARENCY ACT OF 2012

SPEECH OF

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 24, 2012

Ms. HIRONO. Mr. Speaker, I believe that transparency in the activities of government is extremely important and that we should endeavor to let in more sunlight, not less. Therefore, I am proud to support H.R. 459, the Federal Reserve Transparency Act.

The financial crisis of 2007–2008 cost nearly $6.5 trillion in household wealth. That's home equity and savings for retirement and college that millions of people will likely never get back. Between December 2007 and early 2010 8.7 million jobs were lost—Including a record-breaking 779,000 in January of 2009 alone.

I raise these frightening numbers to illustrate a point—the impact of the financial crisis was disastrous, widespread, and occurred very quickly.

As a result, unprecedented steps were taken to halt the disastrous decline in our economy. These included the Federal Reserve (the Fed) stretching its emergency lending authority farther than it ever had to before. This, along with the legislative actions of Congress and the efforts of the Bush and Obama Administrations, helped to prevent the ''Great Recession'' from instead becoming ''The Great Depression Redux.''

The Obama Administration and Congress have worked to rebuild our economy. Over 4.4 million jobs have been created over the past 28 consecutive months. The American automobile industry has been saved and is prospering. Communities across the nation benefitted from investments in transportation, energy, and other vital areas from the American Recovery and Reinvestment Act. The Fed has also contributed to this effort by keeping interest rates low and other measures.

But progress has not been fast enough. We are all frustrated by the current state of affairs. We are also rightly frustrated at the conduct of banks and bankers—private sector bankers and central bankers alike.

I recognize that the actions of the Fed are subject to Congressional oversight and audits by the Government Accountability Office. I was proud to support the Dodd-Frank Wall Street Reform and Consumer Protection Act, which included needed reforms of the Fed's emergency lending authority, and required that the Government Accountability Office conduct an audit of the Fed's emergency lending programs.

These are much needed steps. While I don't share the view that we should abolish the Fed, or that the Fed's activities are necessarily malicious, I do believe that the American people have a right to know how decisions about interest rates and other policies that impact their day-to-day lives are made.

The recent revelations that major international banks colluded to set the London Inter-Bank Offered Rate (LIBOR), which is an influential global interest rate, indicate that it is in the public interest to more closely scrutinize the activities of both financial market players as well as those that are supposed to be the unbiased referees like the Fed.

Today's bill is a positive step toward doing that and I am proud to support H.R. 459.

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, July 26, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 31

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the Consumer Financial Protection Bureau (CFPB), focusing on a review of the semi-annual report to Congress.
SD–538

Energy and Natural Resources
To hold hearings to examine S. 3385, to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects.
SD–366

Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the state of Federal privacy and data security law.
SD–628

2:15 p.m.
Foreign Relations
Western Hemisphere, Peace Corps and Global Narcotics Affairs Subcommittee
To hold hearings to examine doing business in Latin America, focusing on positive trends but serious challenges.
SD–419

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

AUGUST 1

9 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine MF Global, focusing on accountability in the futures markets.
SR–328A

10 a.m.
Environment and Public Works
To hold hearings to examine an update on the latest climate change science and local adaptation measures.
SD–406

Banking, Housing, and Urban Affairs
Housing, Transportation and Community Development Subcommittee
To hold hearings to examine streamlining and strengthening Housing and Urban Development's (HUD) rental housing assistance programs.
SD–538

Judiciary
To hold hearings to examine rising prison costs, focusing on restricting budgets and crime prevention options.
SD–226

10:30 a.m.
Finance
To hold hearings to examine the taxation of business entities, focusing on tax reform.
SD–215

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine marketplace fairness, focusing on leveling the playing field for small businesses.
SR–253

Foreign Relations
European Affairs Subcommittee
To hold hearings to examine the future of the eurozone, focusing on the outlook and lessons.
SD–419

AUGUST 2

2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH–219

Daily Digest

HIGHLIGHTS

Senate passed S. 3412, Middle Class Tax Cut Act.

Senate

Chamber Action

Routine Proceedings, pages S5321–S5418

Measures Introduced: Fourteen bills and one resolution were introduced, as follows: S. 3430–3443 and S. Con. Res. 54. **Page S5381**

Measures Passed:

Middle Class Tax Cut Act: By 51 yeas to 48 nays (Vote No. 184), Senate passed S. 3412, to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families, after agreeing to the motion to proceed, and taking action on the following amendment proposed thereto:

Pages S5321–57

Rejected:

By 45 yeas to 54 nays (Vote No. 183), Hatch/McConnell Amendment No. 2573, in the nature of a substitute. **Pages S5352–53**

A unanimous-consent agreement was reached providing that the motion to invoke cloture on the motion to proceed to consideration of the bill, be withdrawn. **Page S5352**

Sopuruchi Chukwueke: Senate passed S. 285, for the relief of Sopuruchi Chukwueke, after agreeing to the committee amendment. **Pages S5412–13**

Sequestration Transparency Act: Senate passed H.R. 5872, to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013. **Page S5413**

Measures Considered:

Cybersecurity Act—Cloture: Senate began consideration of the motion to proceed to consideration of S. 3414, to enhance the security and resiliency of the cyber and communications infrastructure of the United States. **Pages S5357–67**

A motion was entered to close further debate on the motion to proceed to consideration of the bill, and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on cloture will occur on Friday, July 27, 2012.

Pages S5357, S5413

Nominations Received: Senate received the following nominations:

Ranee Ramaswamy, of Minnesota, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

A routine list in the Public Health Service.

Pages S5413–18

Messages from the House: **Page S5370**

Measures Referred: **Page S5370**

Measures Placed on the Calendar: **Pages S5321, S5370**

Petitions and Memorials: **Pages S5370–80**

Executive Reports of Committees: **Pages S5380–81**

Additional Cosponsors: **Pages S5381–83**

Statements on Introduced Bills/Resolutions: **Pages S5383–S5401**

Additional Statements: **Pages S5368–70**

Amendments Submitted: **Pages S5401–11**

Notices of Hearings/Meetings: **Page S5411**

Authorities for Committees to Meet: **Pages S5411–12**

Privileges of the Floor: **Page S5412**

Record Votes: Two record votes were taken today. (Total—184) **Pages S5353, S5355**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 7:07 p.m., until 9:30 a.m. on Thursday, July 26, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5413.)

Committee Meetings

(Committees not listed did not meet)

NUCLEAR WEAPON DETERRENT

Committee on Appropriations: Subcommittee on Energy and Water Development concluded a hearing to examine the proper size of the nuclear weapons stockpile to maintain a credible U.S. deterrent, after receiving testimony from General James E. Cartwright, USMC, (Ret.), former Vice Chairman, Joint Chiefs of Staff, Department of Defense, and Thomas R. Pickering, former Under Secretary of State for Political Affairs, both of Global Zero United States Nuclear Policy Commission, and Keith B. Payne, Missouri State University Graduate Department of Defense and Strategic Studies, all of Washington, D.C.

IMPACT OF SEQUESTRATION ON EDUCATION

Committee on Appropriations: Subcommittee on Departments of Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine the impact of sequestration on education, after receiving testimony from Arne Duncan, Secretary of Education; June Atkinson, North Carolina State Superintendent of Public Instruction, Raleigh; Billy Walker, Randolph Field Independent School District, Universal City, Texas; Neal McCluskey, Cato Institute Center for Educational Freedom, Washington, D.C.; and Tammy L. Mann, The Campagna Center, Alexandria, Virginia.

BUSINESS MEETING

Committee on Armed Services: Committee ordered favorably reported the nomination of Sean Sullivan, of Connecticut, to be a Member of the Defense Nuclear Facilities Safety Board, and 878 nominations in the Army, Navy, Air Force, and Marine Corps.

INTERNATIONAL SPACE STATION

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine the International Space Station, focusing on research, collaboration, and discovery, after receiving testimony from William H. Gerstenmaier, Associate Administrator for Human Exploration and Operations, and Donald R. Pettit, Astronaut, both of the National Aeronautics and Space Administration; Thomas Reiter, European Space Agency, Paris, France; and James D. Royston, Center for the Advancement of Science and Space, Kennedy Space Center, Florida.

SHORT-SUPPLY PRESCRIPTION DRUGS

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine short-supply prescription drugs, after receiving testimony from Representative Cummings; Virginia Herold, California State Board of Pharmacy Executive Officer, Sacramento; David Mayhaus, Cincinnati Children's Hospital Medical Center, Cincinnati, Ohio; John M. Gray, Healthcare Distribution Management Association, Arlington, Virginia; John Coster, National Community Pharmacists Association, Alexandria, Virginia; and Patricia Earl, National Coalition of Pharmaceutical Distributors, Bowling Green, Ohio.

WATER USE EFFICIENCY

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded an oversight hearing to examine the role of water use efficiency and its impact on energy use, after receiving testimony from Henry L. Green, National Institute of Building Sciences, Washington, D.C.; Daniel W. Bena, PepsiCo, Inc., Purchase, New York; Russ Chaney, International Association of Plumbing and Mechanical Officials, Ontario, California; and Mary Ann Dickinson, Alliance for Water Efficiency, Chicago, Illinois.

BUSINESS MEETING

Committee on Environment and Public Works: Committee ordered favorably reported the following business items:

S. 847, to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, with an amendment in the nature of a substitute;

S. 357, to authorize the Secretary of the Interior to identify and declare wildlife disease emergencies and to coordinate rapid response to those emergencies, with an amendment;

S. 810, to prohibit the conducting of invasive research on great apes, with an amendment;

S. 1494, to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, with an amendment;

S. 2071, to grant the Secretary of the Interior permanent authority to authorize States to issue electronic duck stamps;

S. 2156, to amend the Migratory Bird Hunting and Conservation Stamp Act to permit the Secretary of the Interior, in consultation with the Migratory Bird Conservation Commission, to set prices for Federal Migratory Bird Hunting and Conservation Stamps and make limited waivers of stamp requirements for certain users, with an amendment;

S. 2282, to extend the authorization of appropriations to carry out approved wetlands conservation projects under the North American Wetlands Conservation Act through fiscal year 2017;

S. 3370, to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation;

S. 2251, to designate the United States courthouse located at 709 West 9th Street, Juneau, Alaska, as the Robert Boochever United States Courthouse;

S. 2326, to designate the new United States courthouse in Buffalo, New York, as the ''Robert H. Jackson United States Courthouse'';

S. 1735, to approve the transfer of Yellow Creek Port properties in Iuka, Mississippi;

Proposed resolutions relating to the General Services Administration;

Proposed resolutions relating to the Corps Study, City of Norfolk, Virginia and Port Fourchon, Louisiana; and

The nomination of Major General John Peabody, United States Army, to be a Member and President of the Mississippi River Commission.

EDUCATION TAX INCENTIVES AND TAX REFORM

Committee on Finance: Committee concluded a hearing to examine education tax incentives and tax reform, focusing on how tax information could help families pay for college, after receiving testimony from James R. White, Director, Strategic Issues, Government Accountability Office; Waded Cruzado, Montana State University, Bozeman; Lynne Munson, Common Core, and Scott A. Hodge, Tax Foundation, both of Washington, D.C.; and Susan Dynarski, University of Michigan Gerald R. Ford School of Public Policy, Ann Arbor.

IRAN'S SUPPORT FOR TERRORISM IN THE MIDDLE EAST

Committee on Foreign Relations: Subcommittee on Near Eastern and South and Central Asian Affairs concluded a hearing to examine Iran's support for terrorism in the Middle East, after receiving testimony from James F. Jeffrey, former U.S. Ambassador to Iraq, Department of State, Alexandria, Virginia; and Daniel Byman, Georgetown University Edmund A. Walsh School of Foreign Service, Danielle Pletka, American Enterprise Institute, and Matthew Levitt, The Washington Institute for Near East Policy, all of Washington, D.C.

ECONOMIC STATECRAFT

Committee on Foreign Relations: Committee concluded a hearing to examine S. 2215, to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, focusing on economic statecraft, and S. 3326, to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, after receiving testimony from Francisco J. Sanchez, Under Secretary of Commerce for International Trade; and Elizabeth L. Littlefield, Overseas Private Investment Corporation, Fred Hochberg, Export-Import Bank, Stephen Hayes, Corporate Council on Africa, Mwangi S. Kimenyi, The Brookings Institution, and Scott Eisner, U.S. Chamber of Commerce African Affairs and International Operations, all of Washington, D.C.

ASSESSING GRANTS MANAGEMENT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security concluded a hearing to examine assessing grants management practices at Federal agencies, focusing on the amount of undisbursed funding remaining in expired grant accounts, and recent and historical funding levels for federal grants, after receiving testimony from Danny I. Werfel, Controller, Office of Federal Financial Management, Office of Management and Budget; Elizabeth M. Harman, Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency, Department of Homeland Security; Nancy Gunderson, Deputy Assistant Secretary of Health and Human Services for Grants and Acquisition Policy and Accountability; and Stanley J. Czerwinski, Director, Strategic Issues, Government Accountability Office.

JUDICIAL INDEPENDENCE THROUGH CIVICS EDUCATION

Committee on the Judiciary: Committee concluded a hearing to examine ensuring judicial independence through civics education, after receiving testimony from former Supreme Court Justice Sandra Day O'Connor, Washington, D.C.

ENHANCING WOMEN'S RETIREMENT SECURITY

Special Committee on Aging: Committee concluded a hearing to examine enhancing women's retirement security, focusing on how women's access to and participation in employer-sponsored retirement plans and retirement incomes compare to men's, and how later-in-life events affect women's retirement income security, after receiving testimony from Barbara D. Bovbjerg, Managing Director, Education, Workforce,

and Income Security, Government Accountability Office; LaTina Burse Greene, Assistant Deputy Commissioner for Retirement and Disability Policy, Social Security Administration; Kelly O'Donnell, Financial Engines, Boston, Massachusetts; and Sabrina L. Schaeffer, Independent Women's Forum, and Joan Entmacher, National Women's Law Center, both of Washington, D.C.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 23 public bills, H.R. 6182–6204; and 2 resolutions, H.J. Res. 116; and H. Res. 740 were introduced.

Pages H5290–92

Additional Cosponsors: **Pages H5292–93**

Report Filed: A report was filed today as follows:

H. Res. 741, providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent (H. Rept. 112–623). **Page H5290**

Speaker: Read a letter from the Speaker wherein he appointed Representative Farenthold to act as Speaker pro tempore for today. **Page H5203**

Recess: The House recessed at 10:45 a.m. and reconvened at 12 noon. **Page H5208**

Suspension—Failed: The House failed to agree to suspend the rules and pass the following measure:

President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act: H.R. 6168, to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law, by a 2/3 yea-and-nay vote of 164 yeas to 261 nays, Roll No. 512. **Pages H5212–17, H5224**

Congressional Replacement of President Obama's Energy-Restricting and Job-Limiting Offshore Drilling Plan: The House passed H.R. 6082, to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, by a recorded vote of 253 ayes to 170 noes, Roll No. 511. Consideration of the measure began yesterday, July 24th. **Pages H5217–24**

Rejected the Slaughter motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House forthwith with an amendment, by a yea-and-nay vote of 179 yeas to 240 nays, Roll No. 510.

Pages H5222–23

Rejected:

Holt amendment (No. 2 printed in part C of H. Rept. 112–616) that was debated on July 24th that sought to strike the provision that requires the Secretary of the Interior to conduct a single multi-sale environmental impact statement for all of the new areas opened for drilling by the underlying bill (by a recorded vote of 163 ayes to 253 noes, Roll No. 504); **Page H5218**

Markey amendment (No. 4 printed in part C of H. Rept. 112–616) that was debated on July 24th that sought to prohibit gas produced under new leases authorized by this legislation from being exported to foreign countries (by a recorded vote of 158 ayes to 262 noes, Roll No. 505); **Pages H5218–19**

Markey amendment (No. 5 printed in part C of H. Rept. 112–616) that was debated on July 24th that sought to create a statutory requirement that new leases offered pursuant to this act include drilling safety improvements in response to the BP Deepwater Horizon disaster (by a recorded vote of 189 ayes to 232 noes, Roll No. 506); **Pages H5219–20**

Holt amendment (No. 6 printed in part C of H. Rept. 112–616) that was debated on July 24th that sought to end free drilling in the Gulf of Mexico by requiring oil companies to pay in order to receive new leases on public lands (by a recorded vote of 177 ayes to 247 noes, Roll No. 507); **Page H5220**

Hastings (FL) amendment (No. 7 printed in part C of H. Rept. 112–616) that was debated on July 24th that sought to require each drilling permit application to include an estimate of how much the price of gasoline will decrease as a result of any oil or gas found under the permit (by a recorded vote of 158 ayes to 266 noes, Roll No. 508); and

Pages H5220–21

Hastings (FL) amendment (No. 8 printed in part C of H. Rept. 112–616) that was debated on July

24th that sought to require each drilling permit application to include an estimate of the impact on global change of the consumption of any oil or gas found under the permit (by a recorded vote of 150 ayes to 275 noes, Roll No. 509). **Page H5221**

H. Res. 738, the rule providing for consideration of the bills (H.R. 4078) and (H.R. 6082) was agreed to yesterday, July 24th.

Suspension—Proceedings Resumed: The House agreed to suspend the rules and pass the following measure which was debated yesterday, July 24th:

Federal Reserve Transparency Act: H.R. 459, amended, to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, by a 2/3 yea-and-nay vote of 327 yeas to 98 nays, Roll No. 513. **Pages H5224–25**

Agreed to amend the title so as to read: "To require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.". **Page H5225**

Regulatory Freeze for Jobs Act of 2012: The House began consideration of H.R. 4078, to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent. Further proceedings were postponed. **Pages H5225–89**

Pursuant to the rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–28, modified by the amendment printed in part A of H. Rept. 112–616, shall be considered as adopted in the House and in the Committee of the Whole, in lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Oversight and Government Reform now printed in the bill. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule. **Pages H5243–44**

Agreed to:

Schweikert amendment (No. 14 printed in part B of H. Rept. 112–616) that defines "annual cost to the economy" as being inclusive of business revenue, so that determination of the bill's application shall be accurately applied; **Page H5274**

Manzullo amendment (No. 22 printed in part B of H. Rept. 112–616) that requires each Federal agency to submit and obtain approval from the Director of the Office of Science and Technology Policy (OSTP) guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by the agency; and **Pages H5283–84**

Lummis amendment (No. 23 printed in part B of H. Rept. 112–616) that adds a new title to the bill requiring the tracking and reporting of all payments issued pursuant to the Equal Access to Justice Act (EAJA). Would establish a publicly available, online searchable database to access information regarding EAJA payments and the parties involved in the adjudicatory action leading to an EAJA payment. **Pages H5284–86**

Rejected:

Hastings (FL) amendment (No. 1 printed in part B of H. Rept. 112–616) that sought to provide an exception to the underlying legislation, permitting agencies to make regulatory actions intended to ensure safe drinking water (by a recorded vote of 188 ayes to 231 noes, Roll No. 514); **Pages H5251–52, H5261–62**

Johnson (GA) amendment (No. 2 printed in part B of H. Rept. 112–616) that sought to exempt regulatory actions pertaining to privacy from Title I of the bill and exempt midnight rules pertaining to privacy from Title II of the bill. The amendment would also have exempted consent decrees and settlement agreements in an action to compel agency action pertaining to privacy from Title III of the bill (by a recorded vote of 159 ayes to 259 noes, Roll No. 515); **Pages H5252–53, H5262**

Kucinich amendment (No. 3 printed in part B of H. Rept. 112–616) that sought to exempt from the provisions of the bill any significant regulatory action specifically aimed at limiting oil speculation (by a recorded vote of 173 ayes to 245 noes, Roll No. 516); **Pages H5253–59, H5262–63**

Welch amendment (No. 4 printed in part B of H. Rept. 112–616) that sought to provide an exception for regulations which are intended to promote energy efficiency (by a recorded vote of 174 ayes to 242 noes, Roll No. 517); and **Pages H5259–60, H5263**

Markey amendment (No. 5 printed in part B of H. Rept. 112–616) that sought to allow regulations protecting the public from extreme weather, including drought, flooding and catastrophic wildfire, to go forward despite the prohibitions in the underlying bill (by a recorded vote of 177 ayes to 240 noes, Roll No. 518). **Pages H5260–61, H5263–64**

Proceedings Postponed:

Watt amendment (No. 6 printed in part B of H. Rept. 112–616) that seeks to exempt regulatory actions that are regulatory actions by the U.S. Patent and Trademark Office that streamline the application process for patents and trademarks, including rules implementing the micro entity provision of the Leahy-Smith America Invents Act, from Title I of the bill and exempts midnight rules implementing

such provisions from Title II of the bill. The amendment also would exempt consent decrees and settlement agreements in an action to compel agency action by the PTO to help streamline the application process for patents and trademarks from Title III of the bill; **Page H5265**

Loebsack amendment (No. 7 printed in part B of H. Rept. 112–616) that seeks to allow actions that would lower prices for gasoline, diesel, oil, or other motor fuels; **Pages H5265–67**

Richardson amendment (No. 8 printed in part B of H. Rept. 112–616) that seeks to ensure that the provisions of the Patient Protection and Affordable Care Act and the health provisions of the Health Care and Education Reconciliation Act of 2010 can be carried out; **Pages H5267–68**

Richardson amendment (No. 9 printed in part B of H. Rept. 112–616) that seeks to allow regulations that protect consumers under the Fair Credit Reporting Act; **Pages H5268–69**

Connolly amendment (No. 10 printed in part B of H. Rept. 112–616) that seeks to clarify the procedure for considering a request for a congressional waiver by the President; **Pages H5269–70**

Posey amendment (No. 11 printed in part B of H. Rept. 112–616) that seeks to require that awarded attorney's fees and costs for small businesses in Title I would be paid out of the administrative budget of the office in the agency that proposed the regulation; **Pages H5270–71**

Nadler amendment (No. 12 printed in part B of H. Rept. 112–616) that seeks to exempt issues relating to nuclear power plants from the obstacles to establishing safety protections in the following titles of H.R. 4078: Title I (Regulatory Freeze for Jobs Act); Title III (Sunshine for Regulatory Decrees and Settlements Act); Title V (Responsibly and Professionally Invigorating Development (RAPID) Act); **Pages H5271–73**

McKinley amendment (No. 13 printed in part B of H. Rept. 112–616) that seeks to reduce the term ''significant regulatory action'' from $100,000,000 or more to $50,000,000 or more in annual cost to the economy. This amendment would allow for more oversight on Federal Agency Regulations by lowering the dollar amount threshold; **Pages H5273–74**

George Miller (CA) amendment (No. 15 printed in part B of H. Rept. 112–616) that seeks to exempt from the definition of significant regulatory action a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace; **Pages H5275–76**

Woolsey amendment (No. 16 printed in part B of H. Rept. 112–616) that seeks to exempt from the definition of significant regulatory action a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines; **Pages H5276–77**

Waters amendment (No. 18 printed in part B of H. Rept. 112–616) that seeks to authorize appropriations (1) to enable the SEC and CFTC to carry out the additional cost/benefit analysis requirements under the bill; (2) for costs of litigation incurred by the Commissions related to the requirements under the bill; **Pages H5277–78**

Fitzpatrick amendment (No. 19 printed in part B of H. Rept. 112–616) that seeks to direct the Securities and Exchange Commission to take into account the large burden of section 404b of Sarbanes-Oxley on companies with a public float less than $250 million, compared to the benefit; **Pages H5278–80**

Posey amendment (No. 20 printed in part B of H. Rept. 112–616) that seeks to keep the U.S. Securities and Exchange Commission (SEC) from enforcing or issuing interpretive guidance on climate change; **Pages H5280–82**

Maloney amendment (No. 21 printed in part B of H. Rept. 112–616) that seeks to mandate that Title VI cannot take effect until the Chair of the SEC certifies that in conducting the cost benefit analysis no resources will be diverted away from the SEC's mission to protect investors, maintain efficient markets and promote access to capital; and **Pages H5282–83**

Posey amendment (No. 25 printed in part B of H. Rept. 112–616) that seeks to make it clear that the definition of ''significant regulatory action'' would include new Treasury regulations regarding non-resident alien deposits. **Pages H5286–89**

H. Res. 738, the rule providing for consideration of the bills (H.R. 4078) and (H.R. 6082) was agreed to yesterday, July 24th.

Order of Business: Agreed by unanimous consent that it be in order at any time to consider H. Con. Res. 134 in the House; that the concurrent resolution be considered as read; and that the previous question be considered as ordered on the concurrent resolution and preamble to adoption without intervening motion or demand for division of the question except 30 minutes of debate equally divided and controlled by Representative Coffman and Representative Perlmutter or their respective designees. **Page H5264**

Meeting Hour: Agreed that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, July 26th. **Pages H5264, H5289**

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H5225.

Senate Referral: S. 2090 was held at the desk.

Page H5225

Quorum Calls—Votes: Three yea-and-nay votes and 12 recorded votes developed during the proceedings of today and appear on pages H5218, H5218–19, H5219–20, H5220, H5220–21, H5221, H5223, H5223–24, H5224, H5224–25, H5261, H5262, H5262–63, H5263, H5264. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 10:01 p.m.

Committee Meetings

SWAPS AND FUTURES MARKETS

Committee on Agriculture: Full Committee held a hearing entitled ''Oversight of the Swaps and Futures Markets: Recent Events and Impending Regulatory Reforms''. Testimony was heard from Gary Gensler, Chairman, Commodity Futures Trading Commission.

DOD AND VA COLLABORATION TO ASSIST SERVICE MEMBERS RETURNING TO CIVILIAN LIFE

Committee on Armed Services: Committee on Armed Services and Committee on Veterans' Affairs held a joint hearing on Back from the Battlefield: DOD and VA Collaboration to Assist Service Members Returning to Civilian Life. Testimony was heard from Leon E. Panetta, Secretary of Defense, Department of Defense; and Eric K. Shinseki, Secretary of Veterans Affairs, Department of Veterans Affairs.

IMPROVING MILITARY CAPABILITIES FOR CYBER OPERATIONS

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities held a hearing on Digital Warriors: Improving Military Capabilities for Cyber Operations. Testimony was heard from Vice Admiral Michael S. Rogers, USN, Commander, U.S. Fleet Cyber Command and Commander, U.S. Tenth Fleet, U.S. Department of the Navy; Lieutenant General Rhett A. Hernandez, USA Commander, U.S. Army Cyber Command, U.S. Department of the Army; Lieutenant General Richard P. Mills, USMC, Deputy Commandant, Combat Development and Integration, Commanding General, USMC Combat Development Command, U.S. Department of the Marine Corps; and Major General Suzanne M. Vautrinot, USAF, Commander, 24th Air Force and Commander, Air Force Network Operations, U.S. Department of the Air Force.

EXAMINING PROPOSALS TO STRENGTHEN THE NATIONAL LABOR RELATIONS ACT

Committee on Education and the Workforce: Subcommittee on Health, Employment, Labor, and Pensions held a hearing entitled ''Examining Proposals to Strengthen the National Labor Relations Act''. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURE

Committee on Energy and Commerce: Subcommittee on Energy and Power completed markup of the ''No More Solyndras Act''. The bill was forwarded, as amended.

ANNUAL REPORT OF THE FINANCIAL STABILITY OVERSIGHT COUNCIL

Committee on Financial Services: Full Committee held a hearing entitled ''The Annual Report of the Financial Stability Oversight Council''. Testimony was heard from Timothy Geithner, Secretary, Department of the Treasury.

INVESTIGATING THE CHINESE THREAT, PART TWO: HUMAN RIGHTS ABUSES

Committee on Foreign Affairs: Full Committee held a hearing entitled ''Investigating the Chinese Threat, Part Two: Human Rights Abuses, Torture and Disappearances''. Testimony was heard from public witnesses.

UNDERSTANDING THE HOMELAND THREAT LANDSCAPE

Committee on Homeland Security: Full Committee held a hearing entitled ''Understanding the Homeland Threat Landscape''. Testimony was heard from Janet Napolitano, Secretary, Department of Homeland Security; and Matthew Olsen, Director, National Counterterrorism Center.

BEYOND THE STREETS: AMERICA'S EVOLVING GANG THREAT

Committee on the Judiciary: Subcommittee on Crime, Terrorism, and Homeland Security held a hearing entitled ''Beyond the Streets: America's Evolving Gang Threat''. Testimony was heard from Robert F. Green, Assistant Commanding Officer, Operations-South Bureau, Los Angeles Police Department; Richard W. Stanek, Sheriff, Hennepin County, Minnesota; and public witnesses.

CLOUD COMPUTING: AN OVERVIEW OF THE TECHNOLOGY AND THE ISSUES FACING AMERICAN INNOVATORS

Committee on the Judiciary: Subcommittee on Intellectual Property, Competition and the Internet held a hearing entitled ''Cloud Computing: An Overview of the Technology and the Issues facing American

Innovators''. Testimony was heard from public witnesses.

GAO REPORT: THE OBAMA ADMINISTRATION'S $8 BILLION EXTRALEGAL HEALTHCARE SPENDING PROJECT

Committee on Oversight and Government Reform: Full Committee held a hearing entitled ''GAO Report: The Obama Administration's $8 Billion Extralegal Healthcare Spending Project''. Testimony was heard from Jonathan Blum, Deputy Administrator and Director, Center for Medicare; James C. Cosgrove, Director, Health Care, Government Accountability Office; Edda Emmanuelli-Perez, Managing Associate General Counsel, Government Accountability Office.

REGULATORY FREEZE FOR JOBS ACT OF 2012

Committee on Rules: Full Committee held a hearing on H.R. 4078, the ''Regulatory Freeze for Jobs Act of 2012''. The Committee granted, by a record vote, a resolution providing that the amendment to H.R. 4078 printed in section 2 of the resolution shall be considered as adopted in the House and in the Committee of the Whole.

DROUGHT FORECASTING, MONITORING AND DECISION-MAKING: A REVIEW OF THE NATIONAL INTEGRATED DROUGHT INFORMATION SYSTEM

Committee on Science, Space, and Technology: Full Committee held a hearing entitled ''Drought Forecasting, Monitoring and Decision-making: A Review of the National Integrated Drought Information System''. Testimony was heard from Roger S. Pulwarty, Program Director, National Integrated Drought Information Systems, National Oceanic and Atmospheric Administration, Department of Commerce; Gregory A. Ballard, Mayor, City of Indianapolis; and public witnesses.

TALES OF RESILIENCE: SMALL BUSINESS SURVIVAL IN THE RECESSION

Committee on Small Business: Full Committee held a hearing entitled ''Tales of Resilience: Small Business Survival in the Recession''. Testimony was heard from public witnesses.

OPPORTUNITY FOR EPA TO PROVIDE COMMUNITIES WITH FLEXIBILITY TO MAKE SMART INVESTMENTS IN WATER QUALITY

Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment held a hearing entitled ''Integrated Planning and Permitting, Part 2: An Opportunity for EPA To Provide Communities With Flexibility To Make Smart Investments in Water Quality''. Testimony was heard from Ted Portune, Commissioner, Hamilton County, Ohio Board of Commissioners; Carter H. Strickland, Jr., Commissioner, New York City Department of Environmental Protection; Nancy Stoner, Acting Assistant Administrator for Water, Environment Protection Agency; and Cynthia Giles, Assistant Administrator for the Office of Enforcement and Compliance Assurance, Environmental Protection Agency.

PUBLIC CHARITY ORGANIZATIONAL ISSUES, UNRELATED BUSINESS INCOME TAX, AND THE REVISED FORM 990

Committee on Ways and Means: Subcommittee on Oversight held a hearing on Public Charity Organizational Issues, Unrelated Business Income Tax, and the Revised Form 990. Testimony was heard from Steven T. Miller, Deputy Commissioner for Services and Enforcement, Internal Revenue Service; and public witnesses.

USE OF TECHNOLOGY TO IMPROVE THE ADMINISTRATION OF SSI'S FINANCIAL ELIGIBILITY REQUIREMENTS

Committee on Ways and Means: Full Committee held a hearing on the Use of Technology To Improve the Administration of SSI's Financial Eligibility Requirements. Testimony was heard from Carolyn Colvin, Deputy Commissioner, Social Security Administration; Patrick P. O'Carroll, Jr., Inspector General, Social Security Administration; and public witnesses.

Joint Meetings

No joint committee meetings were held.

COMMITTEE MEETINGS FOR THURSDAY, JULY 26, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: To hold hearings to examine S. 3239, to provide for a uniform national standard for the housing and treatment of egg-laying hens, 9:30 a.m., SR–328A.

Committee on Banking, Housing, and Urban Affairs: To hold hearings to examine the Financial Stability Oversight Council's annual report to Congress, 10 a.m., SD–538.

Committee on Foreign Relations: Business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Nations General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112–7), S. 3341, to require a quadrennial diplomacy and development review, and the nominations of Gene Allan Cretz,

of New York, to be Ambassador to the Republic of Ghana, Deborah Ruth Malac, of Virginia, to be Ambassador to the Republic of Liberia, David Bruce Wharton, of Virginia, to be Ambassador to the Republic of Zimbabwe, Alexander Mark Laskaris, of Maryland, to be Ambassador to the Republic of Guinea, Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus, Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia, Thomas Hart Armbruster, of New York, to be Ambassador to the Republic of the Marshall Islands, and Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman, all of the Department of State, and lists in the Foreign Service, 9:30 a.m., SD–G50.

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families, to hold hearings to examine the Child Care and Development Block Grant (CCDBG) reauthorization, focusing on helping to meet the child care needs of American families, 10 a.m., SD–430.

Committee on Indian Affairs: To hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet, 2:15 p.m., SD–G50.

Committee on the Judiciary: Business meeting to consider S. 225, to permit the disclosure of certain information for the purpose of missing child investigations, S.J. Res. 44, granting the consent of Congress to the State and Province Emergency Management Assistance Memorandum of Understanding, and the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States District Judge for the Northern District of California, 10 a.m., SD–226.

Full Committee, to hold hearings to examine the nominations of William Joseph Baer, of Maryland, to be an Assistant Attorney General, Department of Justice, 1 p.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 Appropriations, Full Committee, hearing on the Department of Homeland Security—Chemical Facility Anti-Terrorism Standards (CFATS) Program, 10:30 a.m., 2359 Rayburn.

Committee on Armed Services, Subcommittee on Readiness, hearing on Civilian Workforce Requirements—Now and Across the Future Years Defense Program, 11:30 a.m., 2212 Rayburn.

Committee on Energy and Commerce, Subcommittee on Environment and the Economy, markup of S. 710, the ''Hazardous Waste Electronic Manifest Establishment Act'', 9 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Capital Markets, hearing entitled ''The 10th Anniversary of the Sarbanes-Oxley Act'', 9:30 a.m., 2128 Rayburn.

Committee on Homeland Security, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, hearing entitled ''Preventing Nuclear Terrorism: Does DHS Have an Effective and Efficient Nuclear Detection Strategy?'', 10 a.m., 311 Cannon.

Committee on the Judiciary, Subcommittee on the Constitution, hearing on the U.S. Department of Justice Civil Rights Division, 9:30 a.m., 2141 Rayburn.

Committee on Rules, Full Committee, hearing on H.R. 6169, the Pathway to Job Creation through a Simpler, Fairer Tax Code Act of 2012'', 9:30 a.m., H–313 Capitol.

Committee on Science, Space, and Technology, Subcommittee on Energy and Environment, hearing entitled ''Review of DOE Vehicle Technologies Program Management and Activities: Assuring Appropriate and Effective Use of Taxpayer Funding'', 9:30 a.m., 2318 Rayburn.

Committee on Small Business, Subcommittee on Agriculture, Energy and Trade, hearing entitled ''Market Closed: Foreign Trade Barriers Facing Small Agriculture Exporters'', 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Full Committee, markup of the following: H.R. 4278, the ''Preserving Rural Resources Act of 2012''; H.R. 5961, the ''Farmer's Privacy Act of 2012''; H.R. 2541, ''Silviculture Regulatory Consistency Act''; H.R. 3158, the ''Farmers Undertake Environmental Land Stewardship Act''; H.R. 5797, the ''Mille Lacs Lake Freedom To Fish Act of 2012''; and General Services Administration Capitol Investment and Leasing Program Resolutions, 10 a.m., 2167 Rayburn.

Committee on Ways and Means, Full Committee, markup of H.R. 6156, ''The Russia and Moldova Jackson-Vanik Repeal Act of 2012'', 9:45 a.m., 1100 Longworth.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 9 a.m., HVC–304. This is a closed hearing.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, July 26

Senate Chamber

Program for Thursday: The Majority Leader will be recognized.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

9 a.m., Thursday, July 26

House Chamber

Program for Thursday: Consideration of H. Con. Res. 134—Condemning, in the strongest possible terms, the heinous atrocities that occurred in Aurora, Colorado. Complete consideration of H.R. 4078—Regulatory Freeze for Jobs Act of 2012.

Extensions of Remarks, as inserted in this issue

HOUSE

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